INQUIRY

MAGAZINE

NOVEMBER 21, 1977/$1.25

PREMIERE ISSUE

Why Carter Let Helms off the Hook

Inside: *Tad Szulc, Nat Hentoff, Eugene McCarthy, Ivan Illich, Art Hoppe and Robert Borosage*

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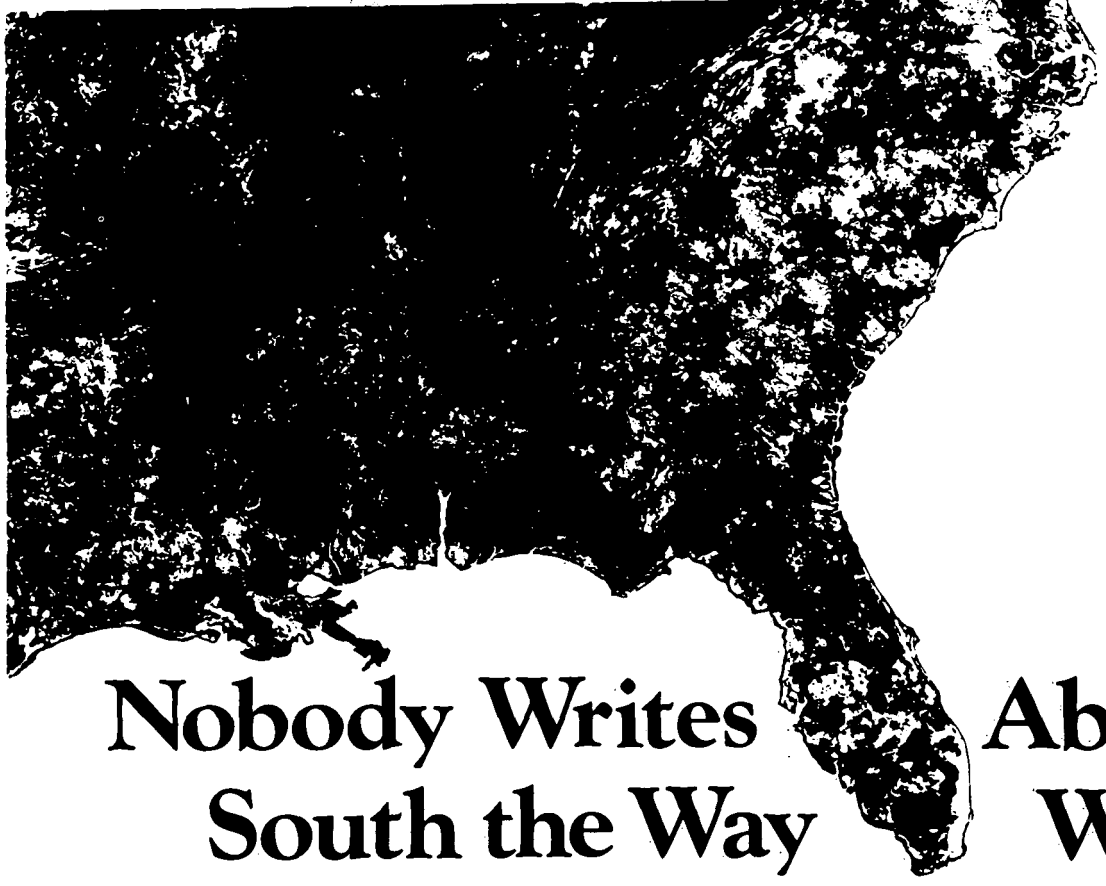

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We have one of those love-hate relationships with the South. It's our home, and we know it backwards and forwards. Who runs it, who wants it, who makes it go.

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Southern Exposure also presents the good things about the South that rarely make the national news. The underside of our culture that gave America the great blues singers, Loretta Lynn and Tom T. Hall, craftsmen and civil-rights leaders. For example, in the current issue, we also feature a photo essay on "Juneteenth," a unique East Texas celebration commemorating Emancipation. We uncover the culture of coastal fishing towns to find the secret of their staying power. And we interview a midwife from Plains, Georgia, who knows more about Southern traditions than Miz Lillian dreamed.

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Southern Exposure

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IN THIS, OUR INAUGURAL issue, you will discover why Jimmy Carter dropped the perjury case against Richard Helms. You will discover what Andrew Young doesn't know about apartheid, and why, when the professionals gain control, we lose our ability to think and do for ourselves. You will also discover what we hope you will agree is a magazine worthy of your attention and the price of a subscription. Buy now and avoid the rush.

INQUIRY

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INQUIRY MAGAZINE, Volume 1, Number 1, November 21, 1977, is copyright 1977 by the Cato Institute, 1700 Montgomery Street, San Francisco, CA 94111, telephone (415) 433-4319. Published biweekly except for the second half of July and of August. Second class permit applied for at Arlington and Richmond, VA. Annual subscription price: $17.50; single copy price: $1.25. Subscription requests and address corrections: P.O. Box 19093, Washington, D.C. 20036. ISSN No. 0148-5008.

RES PUBLICA

Tyrant's foe, people's friend dept.

■ Maybe Herb Caen, the San Francisco *Chronicle*'s with-it gossip columnist, didn't realize what he was admitting in his column of September 20. But we do.

"I hadn't been paying much attention to the CIA's hilarious MK-ULTRA program of the 1950s and '60s around here [wrote Herb], and then somebody tipped me that my name is in the late Col. George White's diary.

"You remember George, who doubled as chief of the Fed'l Narcotics Bureau here and as Morgan Hall, operator of a CIA-sponsored brothel at 225 Chestnut, complete with two-way mirrors and recording devices. . . .

"I used to see a lot of Col. George in the mid-1950s because we hung around the same bars—one of them being Ciro's, on Geary, a hangout for drug pushers and other socialites. George was a rotund, falsely jolly type with a cold little smile and eyes to match. One night, when a dope peddler strolled out of Ciro's, George said to me, 'Wanna have a little fun?' We got into his car and when the doper drove off, George tailgated him, flashing his red light, sounding his siren, and ramming the other guy's bumper hard.

"He kept this up for several hair-raising blocks, the dopester speeding up and slowing down in an effort to shake the Colonel. At last White maneuvered him into an alley, and with a pleased expression, rammed the pusher's car into a phone pole. 'That'll keep him out of our hair for a while,' smiled White as we drove slowly back to Ciro's. . . ."

The crime is assault. And Herb, bless his heart, is an accessory.

Stopping the presses

■ On October 23, the *Washington Post*, using the documents obtained through a freedom-of-information suit by a former *Rolling Stone* writer, told us how the CIA almost succeeded in keeping the *Glomar Explorer* a secret:

"On Feb. 27, 1975, William E. Colby, then director of the Central Intelligence Agency, had an unusual telephone conversation with *Parade* magazine editor Lloyd Shearer. The subject was photographs *Parade* had obtained of a mystery ship, off the coast of Hawaii, which belonged apparently to billionaire Howard Hughes.

" 'We have some pictures—Summa Corp. pictures,' Shearer said, alluding to the holding company Hughes owned. . . .

" 'You are onto something very, very delicate,' the director of central intelligence responded. 'This one I really would like you to sit on.'

"Shearer was worried about his competitors in the press. 'Can you turn off all the sources who have it?' he asked the CIA director. 'Do you think you can sit on this?' "

According to the recently released CIA documents, *Parade* was, indeed, not the only publication that agreed to suppress the *Glomar* story. So did the *New York Times*, the *Washington Post*, and the *Los Angeles Times*. Footnote: Jack Anderson later broke the story.

Name that tune

■ "There is no absolute liberty in any area. We do not authorize decadent literature and art, or, for example, rock and roll dancing, which always involves the swinging of the hips."

—TENG HSIAO-PING, *vice-chairman of the Chinese Communist Party, in a recent interview with Agence France-Presse*, Christian Science Monitor, *Oct. 24, 1977.*

Profiles in courage, part I

■ President Carter's newly negotiated policy statement with Russia on the Middle East has had a "chilling effect" on sales of $1,000 tickets to a presidential fund-raising dinner here Oct. 22.

—*Los Angeles Times, Oct. 5, 1977*

■ President Carter, asserting that he would "rather commit political suicide than hurt Israel," tried yesterday to convince a largely Jewish congressional delegation that the United States has not swerved from its commitment to Israel's security.

—*Washington Post, Oct. 7, 1977*

Profiles in courage, part II

■ President Carter, trying to rally support for his battered energy program, singled out the oil companies for attack in the belief that they are unpopular, Patrick Caddell, [Carter's] opinion pollster, said here today.

—*New York Times, Oct. 15, 1977*

Footnote to Carter's new drug program

■ The Carter administration has decided to continue the practice of authorizing drug companies to use prisoners as human guinea pigs. The United States is the only nation that still officially approves of such experiments, including behavior control and the testing of potentially lethal drugs and vaccines on a prison population.

—*Washington Post, Aug. 27, 1977*

Thanks, we needed that

■ The Department of Housing and Urban Development, which has been reorganized 19 times since 1969, was ordered reorganized again today.

—*New York Times, Oct. 14, 1977*

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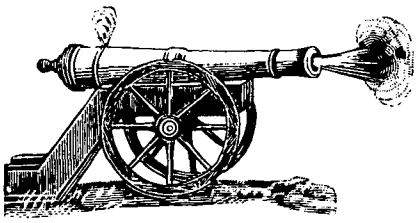
Beyond left and right

Where we stand

THERE ARE SO MANY POLITICAL AF- fairs magazines these days that it is only natural to ask why anyone should start a new one. Our answer is fairly plain: We think that with hardly an exception the publications available today don't face the basic issues of our time. Too often their discussions of current political problems are, as we see it, off the mark. That's because the understandings from which they proceed are often mistaken, too much at one with the prevailing political orthodoxies to allow a true perspective.

In a sense, every serious magazine article is an inquiry. It consists of a question, often implied, and an answer (or a series of questions and answers)—and, quite simply, we believe that most of the journalism appearing today asks the wrong questions. Wrong questions don't get wrong answers; they get irrelevant answers. That is the problem, and that is why we have undertaken this new magazine, which we have called *INQUIRY*. We don't suppose that all our answers will always be right, but we do expect that they will be meaningful.



What, then, are the principles on which our inquiries will be based? The conventional political labels aren't much help, except to indicate what we aren't. We are neither Left nor Right, Liberal nor Conservative—nor, certainly, are we in the middle. In a political world increasingly characterized by state socialism and state capitalism, we find no common ground with either. In fact, we believe that the most serious ailments of modern society—war, imperialism, centralization, and social control—are a direct result of these political systems.

In terms of current U.S. politics, we can find nothing in common with either liberals, with their unquestioning belief in the use of government power to achieve the aims of the welfare state, or conservatives, with their faith in government power to preserve and extend the privilege of business and political elites, here and abroad. We disagree as well with the notion, held by both liberals and conservatives, that government has the right to prescribe standards for the private behavior of its citizens—to decide what is good or bad for them—and to enforce those standards.

Nor can we find much in common with what passes for present day radicalism. Not since the late sixties, when what was known as the New Left got lost in the confusion of its own jargon, and then collapsed under the weight of a pessimism it had really not had the time to earn, has anyone proposed any serious alternatives to the prevailing political system. And that is exactly what we propose. That is what our questions will be about.

Perhaps the best way to describe *INQUIRY* is to list some of our major concerns:

- The struggle for civil liberties and human rights, at home and abroad.
- The abuse of government power. This includes not only the lawlessness of the police and intelligence agencies, but the more generally accepted extensions of government power into every aspect of our daily lives.
- American foreign policy. We are particularly interested in the consequences of American intervention overseas, in the possibilities of a sensible noninterventionist foreign policy for the United States, and in any international developments likely to influence the chances for the United States to live at peace in the world.
- The government's use of the social sciences for purposes of social control, both domestically and overseas.
- Government support and subsidies for favored economic interests.
- The New Class of self-interested and self-perpetuating bureaucrats—in Western, Communist, and Third World countries.
- The oppression of ethnic or other minorities, at home or abroad, especially where their legitimate claims to autonomy are being denied.
- Possibilities for the decentralization of existing governments.

We are, it should be evident, radicals in the tradition of Thomas Jefferson, Thomas Paine, William Lloyd Garrison, and Randolph Bourne. What distinguishes our editorial point of view from that of most other present day journals is our belief in the necessary limits of government power and in the natural and inalienable right of all men and women to life, liberty, and the pursuit of happiness. It is a sad commentary on our society that today these rights are often not thought to be self-evident, but negotiable, and granted at the convenience of the state. To us, that is intolerable, and we are confident that each issue of *INQUIRY* will reflect this conviction, as well as our optimism that through the exercise of reason, man will prevail.

Carter's new South Africa policy

The hidden dangers ahead

SOUTH AFRICA SURELY HAS ONE OF the world's most illiberal regimes. Its laws provide simple mechanisms for house arrest, the silencing of critics, and detention without trial. Its racial segregation laws impose a system of internal passports, job reservations, and denial of property rights by race in designated areas.

A history of deaths and torture of black political prisoners has now been capped with the death, while in detention, of black consciousness leader Steven Biko. In addition, after a series of recent threats against the press and repressive measures directed against the domestic black nationalist movement, the government in October outlawed South Africa's major black organizations and closed two popular black-oriented newspapers. It also arrested many of

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the leading black political leaders and intellectuals.

These events have provided the occasion for accelerated implementation by the Carter administration of an already contemplated, mandatory worldwide ban on arms transfers to South Africa. (The U.S. government has since 1963 banned American arms transfers to South Africa.) The United States has pressured its West European allies into cooperating with the new worldwide arms embargo. At the same time, the United States has not accepted an embargo proposed by black African states—including Nigeria, a new U.S. friend —on all trade with and investment in South Africa.

Like the black states, the Black Caucus in the U.S. Congress is calling with increasing strength for economic sanctions and other punitive measures. In addition, an unidentified Carter administration "specialist" has acknowledged (*New York Times*, October 26) that in order to muster sufficient international support for an American solution to the South Africa problem, the United States will have to take tougher steps than backing the arms embargo.

We are outraged by the practices of the South African government, but no one should let such outrage blind him to the possible consequences of current U.S. diplomatic moves in southern Africa. Chief among these consequences may be a revival of a bipartisan, interventionist foreign policy—a revival that in the case of South Africa and Rhodesia can be undertaken amid presidential rhetoric reminiscent of every American crusade since Woodrow Wilson's war to make the world safe for democracy.

Certainly this possibility is sensed by such old friends of an interventionist U.S. foreign policy as the *New York Times*. In a May 17 editorial, the *Times* said that Carter's policy toward southern Africa "could greatly increase American prestige and diplomatic effectiveness in the rest of Africa. It could unite our own people behind this country's exertions abroad."

No one should overlook the fact that the Carter administration's new policy has not been simply to break the de facto alliance of the United States with the white supremacist regimes of Rhodesia and South Africa. Instead, the United States has intervened as a solution-imposing Great Power; helped bring a European colonial power back into the Rhodesia situation; and, by working through the United Nations, drawn every nation in the world into the black-white conflict in southern Africa.

One of the likely consequences of Carter's backing an embargo under UN auspices is that tremendous discretionary enforcement power will be placed in the hands of the American president. As it did in the Korean War, working through the United Nations will mean that foreign policy will not receive full congressional scrutiny. The blows that Vietnam and Watergate struck against the legitimacy of the Imperial Presidency, as evidenced by the recent efforts of Congress to block presidential initiatives in Angola, will be for naught if the White House is allowed to recoup its authority in this way.

We should not forget that a great power cannot impose solutions on political controversies outside its borders without, at least indirectly, backing those solutions with its military might. The suggestion that unarmed American troops should participate extensively in the activities of a transition regime in Rhodesia is not merely a proposal for international social work. It is a recipe for direct U.S. military involvement once the lives of those Americans are threatened.

Nor should we neglect Andrew Young's express regret that as of now, U.S. military force will not be used during a transition period in Rhodesia.

Liberals who support U.S. intervention in southern Africa also forget that when the United States intervenes, it does not do so in some other worldly dimension in which it could support the abstraction Democracy. Instead, it intervenes in the real world in which it must support not just some abstract principle, but rather actual factions, interests, and politicians. Thus deeper involvement in South Africa will parallel past involvement in China, Vietnam, Angola, and Rhodesia, where involvement led the United States to choose sides—in China with Chiang Kai-shek; in Vietnam with Ngo Dinh Diem; in Angola with Holden Roberto and Jonas Savimbi; and in Rhodesia, more subtly, with Joshua Nkomo.

We should be very careful, or before long we may be marching to Pretoria. ❑

Nixon had his Milk Fund

Jimmy Carter prefers cargo

THE DEFEAT IN THE HOUSE LAST month of the administration's cargo preference legislation has officially closed one of the more sordid chapters of Jimmy Carter's first year in the White House. Before the episode is entirely forgotten, we think it worth reviewing, for it reminds us how Carter, the self-styled exemplar of morality in government, plays the old politics he claims to have rejected.

The cargo preference bill, had it not been killed, would have required that 9½ percent of America's imported oil be moved on U.S. flag tankers by 1982. Since only about 3 percent of U.S. oil imports today arrive on such vessels, the bill would have provided an enormous boost to the American maritime industry, one of the most sheltered, inefficient, and corrupt trades in the nation. Of course, American consumers would have paid the price for this subsidy. Though the actual cost to consumers of the measure was a matter of bitter dispute, the best estimates put the figure at more than $700 million a year by 1982.

The shipping companies and maritime unions backed the bill in Congress with flimsy arguments and a large political bankroll. A cargo preference bill had passed the Congress in 1974, but was vetoed by President Ford. Since then the industry has contributed lavishly to campaigns, hoping to reverse this defeat. In the 1974 campaign the tiny maritime unions contributed $700,000 to their friends. Last year, the unions doubled their effort, giving nearly $1.5 million to political candidates, more than the amount supplied by such labor giants as the Teamsters or United Auto Workers. Special largesse was doled out to the crucial House Merchant Marine and Fisheries Committee, whose members received a total of $102,763. John M. Murphy (D.-N.Y.), chairman of the committee and recipient of $11,000 in 1976, further fattened his campaign bankroll this June when maritime industry and union officials gave him nearly $10,000 at a Washington fund-raiser.

The biggest payoff of all, though, went to Jimmy Carter. After promising in May 1976 to support a national cargo policy, candidate Carter received from maritime industry sources nearly $200,000 in campaign contributions. The maritime unions also put Carter in their debt, some critics claim, by playing a political "dirty trick" for him during the campaign last year. According to some reports, it was the maritime unions that tipped off the Justice Department last summer to the possibility that Gerald Ford had received, for his personal use, laundered campaign contributions; and when Watergate Special Prosecutor Charles Ruff's investigation was under way, it was the maritime union officials who, in late September, leaked news of the probe to reporters. Ford was eventually cleared, but not before grave damage had been done to his campaign. (Whether Carter knew about or approved of this ploy, we do not know, but we think the question is worth asking.)

Either to repay the $200,000 contribution or to thank the maritime unions for their shenanigans on his behalf, Carter this year kept his promise. And thanks to documents that were leaked to the press, we know that politics, and politics alone, explain Carter's decision, this once, to keep his word.

These memos make uncomfortable reading for those who still believe that Jimmy Carter has ushered in a new era of political morality. Informed by Secretary of the Treasury Michael Blumenthal that cargo preference would cost consumers up to $833 million a year, decrease employment and income, undermine open compe-

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tition and free trade, and violate treaties with more than 30 countries, Carter nevertheless chose this "flawed concept" because of the likelihood, in the words of Stuart Eizenstat, assistant to the president for domestic affairs, "that rejection of cargo preference will be seen as a broken promise." Carter accepted the argument of Ambassador Robert S. Strauss, his chief political dealer, that "politically, something in the way of a cargo preference is going to be very hard to resist." Other options wouldn't serve "the political need," Strauss told Carter; "the unions certainly feel that the administration is committed to a cargo preference policy." Warned that "we have a day or two 'bad story' situation following any available option," Carter nevertheless delivered for the maritime industry.

Over this hangs the odor of the Nixon years. Cargo preference is Jimmy Carter's Milk Fund scandal. And though the bill is dead for the moment, this episode should remind us that the era of subsidized industries, political payoffs, and election dirty tricks did not end when Jimmy Carter walked into the White House.

A new conservative strategy

Podhoretz's Kulturkampf

IN THE OCTOBER ISSUE OF HARPER'S, Norman Podhoretz, the editor of *Commentary*, has what begins as a rather boring polemic against the decline of the military spirit in the United States. Titled "The Culture of Appeasement," it presents ideas that are by now familiar from his own and other neo-conservative journals: the deplorable rebirth of pacifism, the failure to support increasing military expenditures, the loss of will in the face of the looming Communist menace, the now standard analogy between current U.S. policy and British appeasement in the thirties—when, unexpectedly, a new theme is introduced. Podhoretz starts speaking of "the central role homosexuality played in the entire rebellious ethos of the interwar period in England." Is Podhoretz serious? Apparently he is.

It seems that very many of "the privileged young of England"—from dandies and esthetes to writers like Auden and Isherwood to "Soviet agents like Burgess and MacLean"—were quite upset by the awful waste of, well, manpower in World War I. (That this senseless butchery also upset Rolland, Freud, Hesse, Remarque, Wells, a few popes, and some others, he fails to mention.) These British homosexuals mourned "the youthful, masculine beauty so wantonly wasted by the war, the bodies meant for embrace by their own kind that were consigned so early to the grave." So, perversely, they turned against war and against England, and spread these attitudes throughout British culture.

Of course, that's not the end of the story. Podhoretz is also struck, he says, "by certain resemblances between the United States today and Great Britain in the years after the first world war." Vietnam, in his view, led "such openly homosexual writers as Allen Ginsberg, James Baldwin, and Gore Vidal" to entertain similar feelings about war and the United States, feelings generated by the deaths of the 50,000 or so American soldiers who died in what they, queerly, also judge to have been a senseless butchery. But now, says Podhoretz, Brezhnev is at the gates, and so far our response has been one "which has uncannily followed the pattern of British response to the German buildup of the Thirties." The lesson is obvious. The only thing that can save us is what, at the last minute, saved England: a few determined politicians and healthy intellectuals—in our case, politicians like Daniel P. Moynihan and Henry Jackson, and intellectuals like—can we doubt it—Norman Podhoretz.

In its October 14 issue, *National Review* took up the theme, promoting Podhoretz's "excellent" article in an editorial entitled "Toujours gai" (thus identifying the one novel idea in the piece). It added its own attack on the (undeniably) questionable economics of John Maynard Keynes, quoting an unnamed wit: "Nobody who had ever fathered a child would observe that 'in the long run, we are all dead.' " *National Review*, characteristically ignoring individual rights because of its fear of the Soviet menace, concluded by indicting "a society that appears to believe that the chief threat to American democracy comes from the Anita Bryants rather than the Brezhnevs of the world."

But the fact is that *National Review* and Podhoretz have missed the point. War is a tragedy for homosexuals, but it is a tragedy for heterosexuals also. In particular, it is a tragedy for the wives, the parents, and the children who have lost one of their family to the war. And when a war is utterly without reason, the tragedy becomes unbearable. That is what happened in the United States between 1965 and 1975, and these simple facts make unnecessary Podhoretz's "theory" of what produces aversion to war.

The theory, however, is not what is significant here. Rather, it is the strategy, which, raised to a higher level, is the strategy of the Conservative Caucus and its allies: Exploit age-old fantasies and fears of homosexuals in order to push the conservative agenda. That agenda includes using the government to regain the reins of American culture, reaffirming American global commitments, and lullabying us all back to an age when it never even crossed our minds that the FBI itself could be engaged in systematically breaking the law. This time we doubt Podhoretz and his friends will make it.

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FIRST AMENDMENT WATCH

NAT HENTOFF

Censorship by libel law

NOT LONG AGO A FORMIDABLE First Amendment lawyer, to whom especially thorny cases are referred, ran into the chief executive officer of a business corporation. They had first met several years before when the lawyer defended a magazine against a libel suit brought against it by that corporation. The libel action had failed.

This time, the corporate officer was much more amiable than the lawyer had expected, in view of their brief but acerbic common history. "Oh, I'm not that upset about having lost the case," the executive said. "You see, the effect of the suit was that your client did not have an article about us for a year and a half after the case was over." He smiled. "You're very expensive."

That the fear of libel suits can chill and, indeed, sometimes freeze expression is commonplace knowledge in journalism. But since publishers are various, some go ahead and print anyway; others force the writer to practically eviscerate the piece before it's passed; and still others junk it. And should there be an actual libel suit, whether the publication wins or loses, there often follows —as the corporate executive noted with satisfaction—a period of stifling caution at the newspaper or publishing house.

The mere filing of such a suit can also lead to infectious timorousness. Last year, a prestigious firm published a book which claimed that in a celebrated murder case, a woman had been sent away after her due process rights were stomped, mangled, and otherwise terminated by the district attorney and a detective on his staff. When a libel action was thereupon started by those worthies, several muckraking books in the publishing house, still in manuscript, were ordered watered down considerably.

There are even stranger instances of the domino effect of libel suits. In October 1976, McDonnell Douglas Corporation sued the *New York Times* and Robert Sherrill for $25 million in defamation damages because of a book review (!) Sherrill had written for that paper. Two books were involved, and each dealt with the 1974 crash of a Turkish Airlines DC-10 outside Paris in which at least 346 persons were killed. The writers examined the culpability of a number of American regulatory agencies and of the plane's manufacturer, McDonnell Douglas Corporation. The *Times* reviewer, Sherrill, agreed with the authors of the books that the greatest risk in flying is not bad weather but rather "the airplane manufacturer who chooses higher profits over safer equipment and who is permitted to do so by a Federal Aviation Agency that is intellectually lethargic and politically motivated."

The head on the review in the *Times* was, "The cheap door that cost 346 lives."

Some months after the filing of that libel action by McDonnell Douglas, a lawyer for the *Times* checked to see how many reviews of the book had appeared in other publications following the date of the announcement of the action. He found exceedingly few reviews. "I think it's rather obvious," the lawyer said, "why McDonnell Douglas brought that action against us. They never really expected to win, but they've accomplished their purpose."

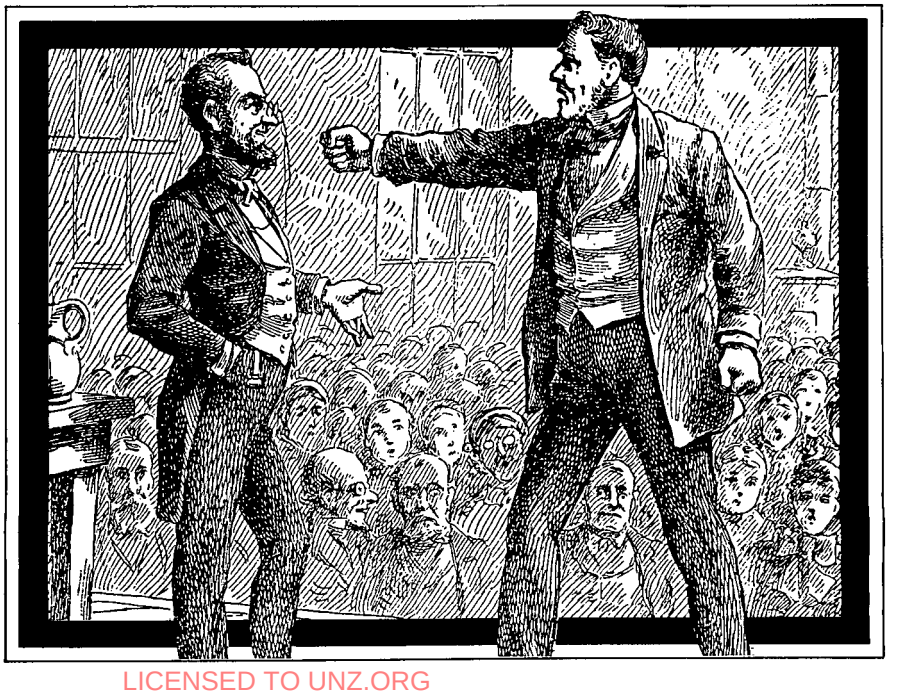
AS VEXATIOUS, EXPENSIVE, AND sometimes crushing as libel suits can be, few journalists or even civil libertarians question the basic constitutionality of action for defamation. Yes, the First Amendment protects "freedom of speech, or of the press"; but surely when individuals can prove they were damaged by false speech that has been used as a weapon, they should have some recourse against those who have defamed them.

Hugo Black thought otherwise. Historically, he once pointed out, the Founding Fathers did not intend that there be libel laws. Black cited, among other sources, St. George Tucker, a close friend of James Madison, principal architect of the First Amendment. Tucker, a legal scholar and thoroughly conversant with the debates leading up to the adoption of the Bill of Rights, published a revised edition of Blackstone shortly after the Constitution was written. In it, Mr. Justice Black reported, Tucker "said there was no doubt in his mind, as one of the earliest participants in the development of the Constitution, that it was intended that there should be no libel under the laws of the United States."

Black himself said: "I believe with Jefferson that it is time enough for government to step in to regulate people, when they *do* something, not when they *say* something, and I do not believe myself that there is *any* halfway ground if you enforce the protections of the First Amendment."

Black, of course, never persuaded the Supreme Court of this view. In 1964, however, the Court, in a landmark decision, did make it harder for public officials to sue for libel on the ground that "debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." After all, part of the essence of being a free citizen is the right to lambaste those who temporarily govern us.

In that decision, *New York Times Co.* v. *Sullivan,* the High Court held that a public official, in order to win damages in a libel suit, has to do more than prove the falsity of what was said or written about him. He must prove that it was done with "actual malice." That is, the statement was made with knowledge that it was false or with



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reckless disregard for whether it was false or not.

This is a hard, though not impossible test, because it requires sufficient information to make a judgment about the motivations of the writer or speaker being sued for defamation. (The Supreme Court later ruled that public figures, as well as public officials, must sustain that heavy burden of proof should they sue for libel.)

A current case, however, may make the press feel a good deal less kindly about *Times* v. *Sullivan.* A libel suit, it poses an extraordinary, clear and present danger to journalists' First Amendment rights—the corollary of which, as journalists routinely incant, is "the people's right to know."

COLONEL ANTHONY B. HERBERT became a hero of the antiwar movement when he accused certain fellow officers of having covered up American war crimes in Vietnam. After having been relieved of his command there, Herbert resigned from the Army in 1972. A year later, Herbert was the subject of a report on CBS-TV's *60 Minutes.* It was harsh. Moreover, Colonel Herbert's lawyers in the libel suit against CBS, and some of its employees, charge: "The broadcast was a deliberately selective presentation directed at creating but a single impression—that Herbert was a liar, an opportunist and a brutal person." In addition, Herbert claims that "CBS became committed to this particular purpose and object of the Program prior to the commencement of substantial investigation."

As used to be said in the vulgate, Herbert felt he had been the victim of a hatchet job.

During the course of pretrial discovery, Anthony Herbert asked the court to compel the defendants to answer certain kinds of questions. With regard to Barry Lando, producer of that segment for *60 Minutes,* Herbert wanted to know, for instance, why Lando had pursued some leads and not pursued others. What had Lando thought of the veracity of information given him by certain people he interviewed? Why did Lando not interview certain sources who might have said favorable things about Colonel Herbert?

Furthermore, Herbert wanted Lando to be forced to describe conversations before the broadcast between him and interviewer Mike Wallace. What did they decide to include and what did they decide to leave out? And why?

The Federal District Judge, Charles S. Haight III, agreed with Herbert and ordered the defendants to answer those questions. To win this libel suit, Colonel Herbert, as a public figure, has to prove "actual malice" on the part of CBS, Lando, and Wallace. Accordingly, he should have access, through discovery, to the kinds of information necessary to his case.

Said the court: "Where, as here, the defendant's state of mind is of central importance to a proper resolution of the merits, it is obvious that these lines of inquiry may lead, directly or indirectly, to admissible evidence. . . . The lines of inquiry under discussion are entirely appropriate to Herbert's efforts to discover whether Lando had any reason to doubt the veracity of certain of his sources or equally significant, to prefer the veracity of one source to another."

The other side to that quite startling argument has been given by Deirdre Carmody in her report on the case in the *New York Times:*

"What troubles the press lawyers who are watching this closely is that they have traditionally held that the First Amendment guarantees of free expression protect the editorial process, which begins when the decision is made to do a show or write an article and continues until the final product appears. The press lawyers say that these notes, conversations and particularly, opinions, are all part of a decision-making process that cannot be interfered with by anyone, particularly government. The decision of what to include in a story, for instance, is an inherent part of the process and should not be subject to scrutiny."

JUST CONSIDER THE HOBBLING effect on reporters if this sort of discovery into their "state of mind" is upheld in the higher courts. In any controversial story that might trigger a libel action, a reasonably prudent journalist is going to have to continually "balance" his sources, not only during the pursuit of the story but also inexorably in the writing as well. ("If you knew *this,* too, why didn't you print it?") The result may well enable the reporter and his publication to escape charges of "actual malice," but the reader is going to get packaged white bread.

Furthermore, as any reporter knows, some leads, particularly at the beginning of one's research on a story, are so tentative—and some sources so fearful—that it takes a while to assess their veracity. In the interim, however, those leads link to others, which also may or may not turn out to be accurate. But if one later has to say in a court of law that the initial lead turned out to be false, then the subsequent sources may seem tainted—not in the mind of an experienced journalist, but in the perspective of a jury or a judge.

In addition, after this kind of trial, it is going to be difficult for a reporter to get certain sources on another controversial story to talk. I do not speak here of confidential sources in those states which protect their anonymity. I mean people who do not want their reputations publicly tested for veracity in a courtroom as part of some possible future libel suit against a publication with which they cooperated.

In sum, Judge Haight's ruling is devastating to the news-gathering process. Even he recognized that it was a novel decision, declaring the case as "one of first impression"—that is, he had made a judgment on an issue not previously ruled on by the courts. Or, in Haight's own words, "the Court could find no case, and counsel cited no case, which considered the proper use of the full arsenal of pre-trial discovery weapons within this particular context."

This particular context is the First Amendment rights of the press; and because Haight's ruling was so momentous, let alone "one of first impression," he allowed an immediate appeal to the Second Circuit Court of Appeals.

In September 1977, oral arguments were heard before a three-judge panel of the Court of Appeals. On the basis of the questions asked by the judges, one of them appears to be convinced that the First Amendment was grievously violated by the lower court's ruling. A second is undecided. The third, with a record as a firm protector of the First Amendment, said at one point, "This may be the price the press has to pay for *Times* v. *Sullivan.* Since the burden of proof on bringing a libel suit is heavier on a public official or a public figure, then he may have to be given access to this kind of information."

"That is a very heavy price to pay," said an attorney for CBS.

"Yes, it is," said the judge—who could well turn out to have the swing vote in the matter—"but it may be necessary."

Should the Court of Appeals decide in favor of Colonel Herbert, the decision will be appealed to the Supreme Court. It is true that in 1973 Chief Justice Burger, speaking for the majority of the Court *(Columbia Broadcasting System* v. *Democratic National Committee)* said:

"For better or worse, editing is what editors are for; and editing is selection and choice of material. That editors—newspaper or broadcast—can and do abuse this power is beyond doubt, but that is not reason to deny the discretion Congress [and the Bill of Rights] provided."

That case, however, was not a libel action brought by a public figure. And it is difficult to predict what this particular Supreme Court may decide when confronted for the first time with the consequences of its *Times* v. *Sullivan* ruling, which seemed such a triumph for the press.

"If it is a choice," the editor of a large-circulation daily says, "between having *Times* v. *Sullivan* only with this time bomb attached to it, and not having it at all, I'd go the second route."

Ultimately, the only sensible and constitutional answer is to follow the logic of Mr. Justice Black and abolish the law of libel entirely as a clear infringement on the First Amendment. And that, after months of debate, was the overwhelming decision made in the spring of 1977 by the Board of Directors of the New York Civil Liberties Union. It is the only instance so far, to my knowledge, of *any* reasonably respectable group in the First Amendment community taking an absolute stand against libel and slander laws. Organizations of journalists surely ought to join this as yet tiny First Amendment parade. And readers as well.

As Mr. Justice Black said, "The First Amendment says 'no law,' and that is what I believe it means."

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LAW

ROBERT L. BOROSAGE

The case of John J. Kearney

ON APRIL 7, 1977, A FEDERAL grand jury indicted John J. Kearney, retired FBI agent, charging him with a criminal conspiracy involving illegal wiretaps and mail openings committed in the investigation of the Weather Underground. Two days later, 300 FBI agents stood in silent protest on the courthouse steps in New York. Thousands of letters denouncing the prosecution have poured into the Department of Justice. FBI Director Clarence Kelley called Kearney an "outstanding special agent" and urged the attorney general to reconsider. Griffin Bell himself told a congressional committee that "maybe my judgment was bad," and admitted that Kearney had only done what he thought was good for the country.

Why the brouhaha? In a country of laws, officials must be accountable to the law. Violations of the law by officials can be treated no differently from crimes by ordinary citizens. Even if an official acts on higher orders, or as part of a bureaucracy with a long habit of lawlessness, he is still individually responsible for his crimes. If there is adequate evidence to convict John Kearney of illegal wiretapping, he should be brought to trial.

Kearney's supporters seldom deny that Kearney committed the acts in question. Rather, they argue that he did nothing worse than hundreds of other agents have done. They decry the persecution of Kearney, because he has been "singled out" for prosecution. FBI Director Clarence Kelley, particularly incensed that the CIA has been accorded different treatment, complains that the Justice Department should consider "the past problems of the FBI in the same light that was afforded the CIA."

Clearly, Kearney has been singled out for prosecution. Official investigations have documented massive, illegal programs in both the FBI and the CIA, involving what the Senate Select Committee on Intelligence Activities called "vicious and unsavory tactics" directed at Americans guilty of nothing more than harboring unpopular opinions. Kearney's acts came after Hoover issued orders to stop illegal break-ins and wiretaps, but so did those of many other FBI agents. Yet Kearney is the sole FBI or CIA agent to be indicted to date, and most observers agree that the administration has no intention of seeking further indictments.

It is quite clear that the treatment afforded former CIA Director Richard Helms and other CIA officials was very different from that given to John Kearney. Last month Carter's Justice Department refused to indict Richard Helms for his obvious perjury before the Senate Foreign Relations Committee, letting him plead *nolo contendere* to a misdemeanor. And last year the Levi Justice Department announced that it would not prosecute Helms and other CIA agents for the 25-year mail-opening program that even the Rockefeller Commission concluded was "improper and illegal." The Justice Department also chose to drop charges against Helms for approving the burglary of a photographer's studio in Fairfax, Virginia, concluding that "Helms clearly thought he had the authority to approve a break-in and did so to complete a security investigation." Kearney's defense is substantially the same.

THE EXONERATION OF RICHard Helms can safely be attributed to the continued influence of the national security establishment. Helms has had powerful friends (Robert McNamara, Averell Harriman, Eric Sevareid, and Henry Kissinger, among others) speak in his defense. He has enough bad paper on the rich and powerful to enlist them in his cause. Had Helms been indicted, he would have taken at least Henry Kissinger with him by exposing the entire record of the Chile imbroglio. This rather bald threat was a goodly portion of what President Carter terms the serious "national security implications" of a Helms indictment.

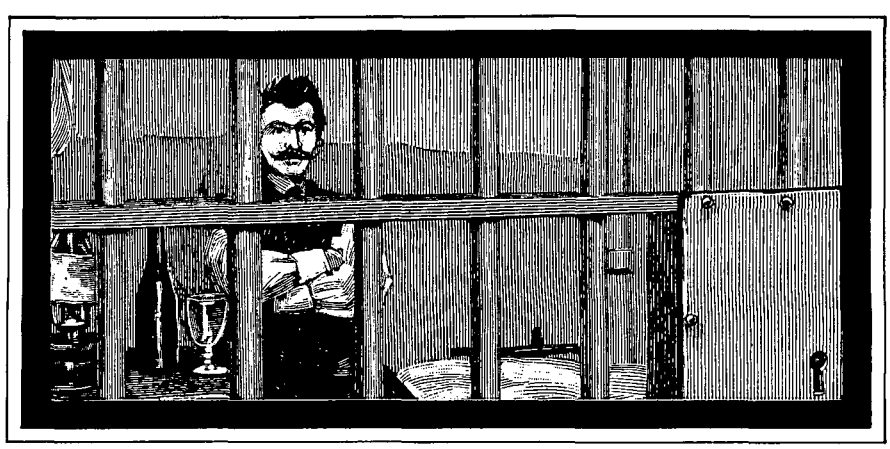
But the treatment of Helms does not explain why Kearney has been singled out for martyrdom. This may in part be ascribed to the Carter administration's political schizophrenia. Carter came to Washington pledged to clean up the CIA and the FBI. He soon discovered, as Senator Moynihan suggested, that it was *his* CIA and *his* FBI. A taste of the action quenched his thirst for reform. Faced with reports of FBI disaffection, the Justice Department appears to have no stomach for further indictments, and is even backing away from grand jury investigations already in progress.

Then why leave Kearney hanging in the wind? It seems likely that Kearney's indictment is more than a weak attempt to mollify the ACLU and more than simple political incompetence. Kearney has been singled out in part as an object lesson for the president's intelligence agencies.

Every modern president—and Jimmy Carter is no exception—has claimed the ability to act above the law in the name of national security. This power has been routinely exercised through bureaucracies—primarily, though by no means exclusively, the FBI at home and the CIA abroad. Their operation depends upon dedicated officials who are prepared to obey the orders of superiors *even if they involve illegal activities.* Although both the CIA and the FBI operate on this principle, there are significant differences between them, contrasts which explain the Kearney indictment.

The CIA was established to do the unspeakable—figuratively, in that it undertakes the underhanded and squalid chores that no administration would care to own up to; and literally, in that no one was to talk about what was done. Since the CIA was designed to operate only abroad, the agency could act for years in blithe disregard for law. An early incident conveys the atmosphere. In October 1960, Michael Mulroney, part of an "extremely secret" unit within the CIA, was ordered by Richard Bissell, the director of Clandestine Services, to assassinate Lumumba. Mulroney suggested to Bissell that "conspiracy to commit murder being done in the District of Columbia might be in violation of federal law." Mulroney testified that Bissell "airily dismissed" this prospect.

WITH ITS FOREIGN MISSION, the CIA was insulated from the rest of the government. Even the orders received from presidents were to be "plausibly deniable." Inevitably, this led to ambiguous records about who approved what activities; often agency officials were simply to use their own imaginations to



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carry out general assignments. When CIA agents opened mail, broke into apartments, engaged in assassination attempts, they acted not on written orders, but with a "plausible web of authority" from the White House. When Richard Helms lied to the Senate Foreign Relations Committee, many in Washington felt he was simply doing his duty to the unspeakable. (Some Washington insiders argue that Helms should be indicted because he was inept and stupid: He should not have lied; he simply should have refused to testify.)

The FBI is the domestic equivalent of the CIA. In areas of national security, presidents claim the power to order warrantless wiretaps and break-ins. Since the FBI operates at home, appearances must be maintained. As the nation's law enforcement agency, it must appear to obey the law. Thus agents are not allowed to operate in casual disregard of the law, except vicariously through their legion of informers and provocateurs. J. Edgar Hoover developed complex systems of approval and control to keep a firm grasp on the activities of FBI agents.

This is the source of Kearney's travail: not that he violated the law, but that he did so without superior orders. The Justice Department has already announced that it will not bring charges against Kearney's superior. No indictment of the agents who operated on Kearney's orders seems likely.

Thus, Kearney has been indicted precisely because he could be singled out, because unlike hundreds of FBI agents who did as bad or worse, he did not operate on clear orders from above. The Carter administration has one message to give its FBI: If you break the law, do so only on higher orders.

Attorney General Griffin Bell has expressed his disquiet about the continued possibility of illegal FBI break-ins. When asked if they continued, Bell replied, "I do not know. I would not have any way of knowing. There are 20,000 people in the FBI, 8,000 agents, many offices over the country. . . ." Asked what an FBI agent should do if ordered to commit an illegal act, the attorney general recommended that he "follow the manual; if it is not in the manual, do not do it; *get it in writing.*" (Emphasis added.)

The injunction to "get it in writing" does not demand accountability to the law. The attorney general is not enforcing the law, he is enforcing obedience. The Carter administration seeks an FBI under firm control, but the control of superiors, not of laws. Those who protest the prosecution of John Kearney are correct—he has been singled out. And his indictment—the sole case yet to come out of the unending revelations of intelligence agency abuses—represents a grotesque inversion of the Nuremberg principle of personal responsibility. It teaches that immunity for officials comes with obedience, a principle of law that would have absolved Adolph Eichmann of his crimes.

MEDIA

MICHAEL S. BROMLEY

Official blarney

DEAN RUSK, SO THE NOW classic newspaper story has it, was apt to buttonhole reporters whose dispatches on the Vietnam War were in any serious way critical of U.S. policy and demand malignantly, "Whose side are you on?" A decade and a Watergate later, British journalists, covering a warlike situation in Northern Ireland, are awakening to what some imagine to be a concerted attempt by officialdom to manage the media in respect of what information emerges from that bloody province.

A small but professionally respected minority, chiefly in television, believes firmly in a conspiracy of censorship, pure and simple. The rest remain to be convinced. Nevertheless, no journalist, British, Irish, or overseas, who has ever worked in Ulster can be unaware of the importance attached by all sides to what Andrew Stephen, until recently Belfast correspondent of the liberal *London Observer*, called "a war which in its way is every bit as fiercely fought as that involving the terrorists—a public relations war."

Broadly, the state's interest is in preventing the dissemination of what it considers terrorist and subversive views. There is no doubt that the Irish Republican Army in particular, and other paramilitary forces on occasion, have been embarrassingly successful in producing propaganda. Predictably, the government is not happy to see terrorist spokesmen, even wanted gunmen, defending their ideology on television and in print.

The question being asked is just how far are the British government and its agents prepared to go to make sure the state wins this particular war?

The most concrete evidence amassed so far by those convinced that Westminster and Whitehall are willing to overstep the mark—at least as far as the traditional view of the behavior of a democracy dictates—has come from the man charged by Prime Minister Jim Callaghan with ministerial responsibility for Northern Ireland, Roy Mason.

Earlier this year he floated the idea among local editors and broadcasting chiefs of both a complicated three-month delaying tactic on reports of terrorist activity and an extension of the existing voluntary agreement between press and government not to publish sensitive information which may be harmful to the state, in this case apparently again to include terrorism of any kind.

What cannot but have helped raise suspicions, even after Mason categorically denied he wanted to increase controls over the press and agreed his plan was not workable, was that the suggestion came at a time when the whole gamut of the United Kingdom's First World War "emergency" Official Secrets Act, of which the voluntary D-Notice system is a corollary, is in line for radical reformation by the Labour government, of which Mason is a member.

RATHER THAN USE THE FULL legal weight of the Secrets Act on all occasions, the defense departments and the press have, since 1912, operated a joint committee to consider pleas from the armed forces for nonpublication of specific matters and to issue memoranda D-Notices advising the press, where appropriate, not to publish. Normally, says one expert, the advice is "abided by loyally."

Even more strangely, the editors and broadcasters who heard Mason's party piece with reported anguish for the most part kept the whole matter secret—even from their own staffs—until the affair was revealed by the London *Daily Mail* as a gossip diary article.

Moreover, the Mason incident happened just as Fleet Street's *Sunday Times*, with arguably the best record on reporting Northern Ireland, was taking up the best part of half a page to catalogue "dirty tricks" initiated by the British Army, which effectively dominates the policing of Ulster during the terrorist campaign.

The *Sunday Times* article detailed attempts to use "black propaganda" against local politicians, principally through misinforming journalists at off-the-record private briefings. Since then, other more minor abuses—a favorite was for the Army to attribute wrongly bomb explosions to the Irish Republican Army, even when it was known that rival, loyalist terrorists were responsible—have come to light.

Meanwhile, concern has switched to television, where, in some cases inexplicably, a whole series of documentary reports has been temporarily or permanently banned from the screens of both the publicly owned British Broadcasting Corporation and a number of independent commercial stations.

The BBC, which recently cleared its schedules to show Marcel Ophuls' *The Sorrow and the Pity* after it was banned by French television, now refuses to broadcast a film on Northern Ireland, *A Sense of Loss*, which it specifically commissioned from the French director.

Some commentators see the heavy hand of government behind such decisions—the

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Financial Times TV critic Chris Dunkley maintains that "weight can, apparently, be brought to bear all too easily on broadcasting executives"—and referral of intended programs on Ulster, which does not apply to other subjects, to British television's government-appointed ruling bodies is apparently mandatory.

There are others, though, who are more critical of the media themselves. Free-lance journalist Dave Clark, writing in London's irreverent *Time Out,* claimed, "The sense of unease is not caused by a man with a blue pencil in the Home Office. The process of filtering what we are to know about Northern Ireland . . . is infinitely more complex and subtle."

Caustic about the expense-account lifestyle of many British correspondents in Ulster and a lack of editorial interest back in London in a seemingly endless and repetitive story, Clark also recognizes the traditional lack of investigative drive in Fleet Street journalism, hedged in as it is by a myriad of restrictive laws on state secrets, defamation, contempt, and more lately terrorism itself, and further hampered by what one prominent hard-digging journalist calls "the press's antagonism to the 'vigilant investigation' its proprietors preach but rarely practice."

Then there are the additional daily hazards, physical and psychological, on the ground. Although no journalist is numbered among Northern Ireland's 1600 dead, threats of violence are at times frighteningly commonplace, and the offices of the evening daily Belfast *Telegraph* were bombed 12 months ago.

THE "PROPAGANDA WAR" must also claim its victims. In six years there has been a remarkable turnaround. In 1971, one British politician was demanding "a fair deal for the (security) forces, who are not skilled propagandists, against the IRA, which is probably the most skilled propagandist organization in the world." Today, with 40 Army press officers and 100 back-up staff, 12 police information officers and probably 50 government press people, the advantage has obviously changed in favor of the official release.

A major complaint from the London-based Campaign for Free Speech on Ireland, formed this year by disgruntled journalists, is that, by means of active press relations, the authorities have managed to reduce British coverage of Northern Ireland to "a nightly catalogue of disasters unrelieved by explanation."

Philip Elliot of the Mass Communications Centre at Leicester University in England, who has surveyed press coverage of Ulster, agrees that "the emphasis of current affairs output has shifted almost exclusively to 'objective' factual news."

It cannot have helped that what investigative reporting there has been—a *Sunday Times* series, later vindicated by prosecution of Britain at the European Court of Human Rights, on police torture in 1971 and more recently BBC interviews on the same subject—has inevitably raised a storm of protest from the Cabinet down.

Although the right to publish freely has been adequately defended both by the media themselves and more impartially by the official Annan Report on Broadcasting, the Conservative Opposition spokesman on Northern Ireland, John Biggs-Davidson, still suggests a propagandist fictional TV series on the Ulster police as a contrived antidote to critical exposés.

So far, the debate has concentrated on British coverage. Media in the Republic of Ireland, where the government has much wider control over output, particularly on the state broadcasting system, and within Ulster itself have different problems. "British journalists assume their audiences aren't interested in explanations," says a longtime commentator on Northern Ireland. "In Ireland we assume, because of the deep political and religious divisions, our audiences know where they stand."

Working under such pressures and within such confines, it is easy to appreciate how journalists—and, further along the decision-making process, those managing the media—lean towards both self- and institutional censorship, even if one rejects the Free Speech Campaign's assertion that any attempt to report more than the official version of events is "savagely dealt with."

Peter Taylor, experienced reporter with the London-based Thames Television's This Week current affairs team, initially rejected the fears voiced by founders of the Free Speech Campaign as groundless. In August, his film report on Ulster was temporarily banned by the controlling Independent Broadcasting Authority until cuts could be made. The Free Speech Campaign now claims Taylor as a convert.

The Army—and those more sympathetic to their point of view—maintain they are simply countering legitimately the propaganda efforts of, mainly, the IRA, who regularly indulge in at times outrageous deceit. On the other side, there are many who claim the state is engaging in no more acceptable, no less sinister tactics. In the middle is the journalist whose ultimate fear remains that of being taken as a propagandist—for any side.

The net result, complains the Free Speech Campaign, is that Britons have a view of Ulster which only encompasses an image of wild Irishmen slaying each other for unfathomable tribal reasons while brave British soldiers try to apply restraining common sense. Thus, anything that is done in the state's name goes unquestioned, and Irish views are unimportant. ❑

In the next issue of

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- *Murray Rothbard on the Panama Canal treaty*
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- *Rep. Michael Harrington on government secrecy*
- *Also: John Ehrlichman's startling review of William Safire's White House novel*

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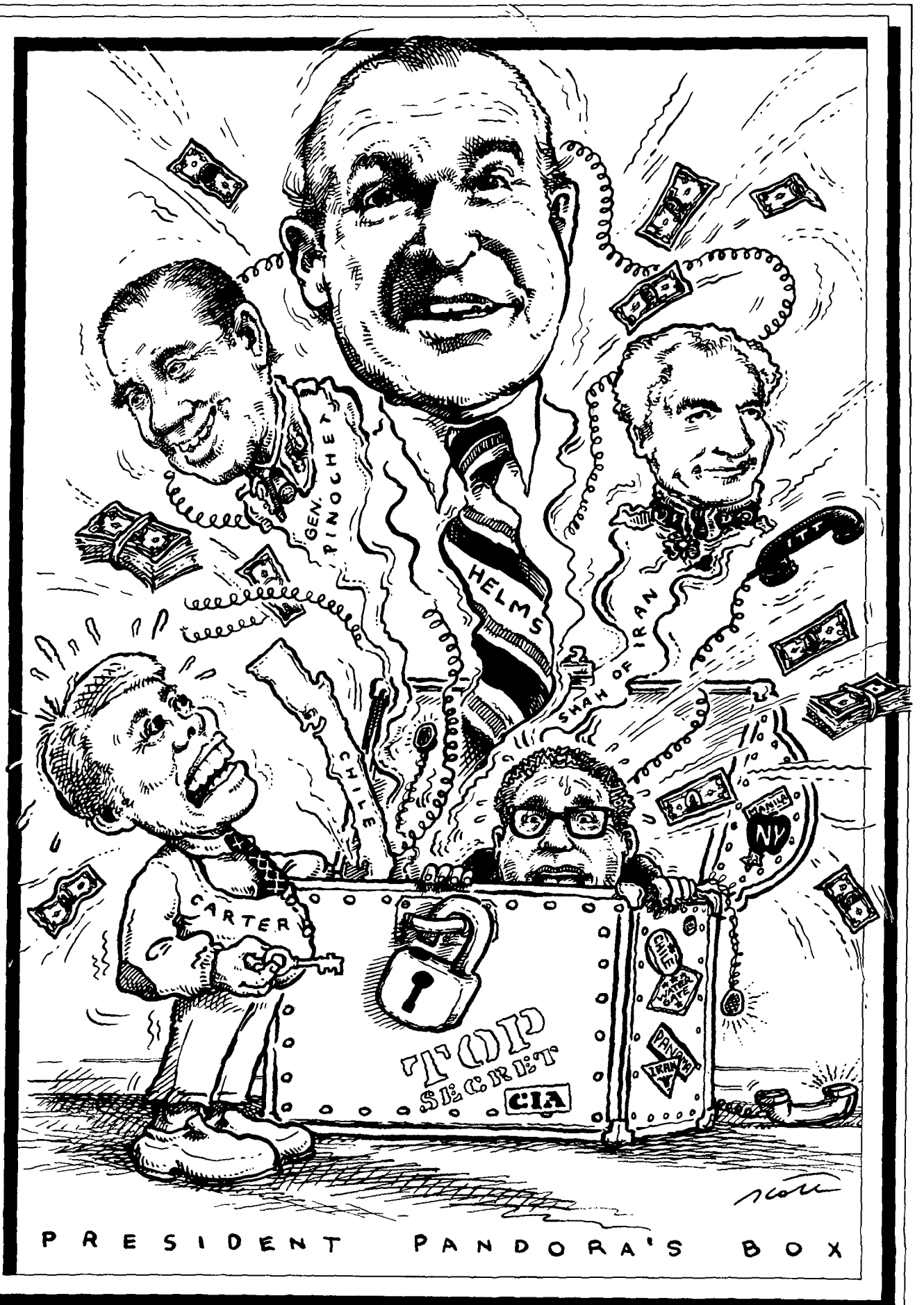

PRESIDENT PANDORA'S BOX

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The real reason why Carter was afraid to prosecute Richard Helms

THE CIA AND THE BANKS

By Tad Szulc

The desire to protect the Central Intelligence Agency's vast worldwide financial network—probably its most jealously guarded major secret in the last 30 years—was the overriding reason for President Carter's decision not to prosecute former CIA Director Richard McGarrah Helms for having lied to a Senate committee concerning the agency's role in Chile.

Rather than risk a trial in which immensely sensitive information concerning the CIA's financial affairs could come out into the open, Carter agreed to let the Justice Department negotiate a deal with Helms under which he pleaded *nolo contendere* (no contest) to two misdemeanor charges of having failed to answer the senators' questions fully and completely. The charges stemmed from Helms's 1973 testimony on the covert handling of funds in Chile as part of a U.S. effort to interfere in elections there three years earlier.

The White House explanation for this controversial plea copping solution was that it upheld the law "but also serves the interests of national security." No further clarification was given. This article will show the precise reasons behind the presidential decision.

When the decision was announced on October 31, the president had been caught for nearly a year between powerful pressures to exonerate the 64-year-old Helms on "national security" grounds or to allow justice to take its course. On one hand, a federal grand jury in Washington was ready to indict the ex-CIA chief, and failure to prosecute him could have been seen as a cover-up. On the other, Carter was faced with the likelihood that a trial might disclose the CIA's huge financial manipulations and point to still unsuspected clandestine enterprises.

The grand jury to whom the Helms case was presented, ironically enough by former President Ford's Attorney General Edward H. Levi, had been sitting on it since the spring of 1976. However, its actions had been at a virtual standstill when Carter, on taking office, reserved his right to rule on a possible prosecution.

The White House feared that disclosures of the CIA's globe-girdling financial activities would not only paralyze the agency's operational capabilities—the CIA simply cannot function effectively without secure and deeply concealed channels for the massive movement of money around the world—but, even more, would embarrassingly spotlight the very considerable involvement of some of America's leading banks, financial institutions, and multinational corporations in top-secret intelligence work abroad. This, in turn, would have led to international scandals, severely damaging the good name of the U.S. banking system.

Seemingly, the CIA has left no American institution untouched and untarnished—from universities, scientists, and journalists to bankers and businessmen—in its greed for the control of intelligence. From what is already known, quite a number of famous American banks, investment houses, and corporations, to say nothing of currency dealers, have willingly and enthusiastically served the agency's needs.

Moreover, knowledgeable sources do not rule out the possibility that CIA financial channels were used to "launder" Richard Nixon's reelection campaign funds overseas, both in the context of Watergate and subsequently. Late in October of this year, a currency-dealer company with longstanding CIA links was indicted in San Francisco for illegally bringing almost $11 million in dollar bills from the Philippines to the United States between 1973 and 1976.

Carter was also concerned that a Helms trial might result in the direct implication of former Secretary of State Henry Kissinger in the Chilean conspiracy. Helms had been quoted as threatening to bring Kissinger "down with me" if he were indicted and tried, and Carter may well have shuddered at the idea of seeing a famous ex-secretary of state in the dock.

The Kissinger factor was by no means negligible, and not only because of the image problems it would have created for U.S. foreign policy. It was one thing to try to imprison John Mitchell, Nixon's hapless attorney general and 1972 campaign manager, for his Watergate-related misdeeds. But it would have been another matter to allow Kissinger, who might also have been charged, to be inserted into criminal proceedings specifically tied to his decision-

TAD SZULC is a Washington-based writer who specializes in foreign affairs and national security matters. His latest book, to be published in March by Viking Press, is The Illusion of Peace: Foreign Policy in the Nixon Years.

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making as the White House national security adviser and secretary of state. Kissinger certainly was a policy-maker on Chile, and there are lawyers in Washington who think that Helms (who is represented by the highly adroit Edward Bennett Williams) might well have claimed in court that he was simply executing Nixon-Kissinger policy decisions and that he lied as part of an orchestrated White House attempt to disclaim any U.S. responsibility for the political subversion of the leftist candidacy of Salvador Allende Gossens, whose election Washington had sought to prevent at all costs.

In fact, Carter could ill afford to take on Kissinger, and this situation, quite apart from national security considerations surrounding the CIA's financial affairs, favored Helms. From the outset, Carter has accepted Kissinger as an elder statesman in foreign policy, seeking his advice on matters ranging from the Middle East to negotiations with the Soviets on a strategic arms limitation agreement, and inviting his public support for the controversial Panama Canal treaty. (Kissinger grandly granted it.)

The "outsider" Carter also quickly com- prehended the political reality of Washington: the power of the Establishment that instantly closed ranks behind Helms and Kissinger. Nixon's men never belonged to the old elite; Helms and Kissinger were accepted, and were thereby much less vulnerable and much more protected.

To the traditional Georgetown Establishment, which remains unruffled by the comings and goings of administrations, Watergate was a shoddy affair. But the case of the CIA and Helms was something else again. In the first place, there are close ties—often social and family—between Georgetown and the CIA, going back to the heroic wartime days of the Office of Strategic Services (OSS). Much of the OSS in the early period was recruited from among well-connected young lawyers in Washington and New York's Wall Street, well-born journalists and Ivy League graduates. (Helms, for instance, was Williams College '35, then spent the prewar years in Europe as a United Press correspondent, an interview with Adolf Hitler becoming one of his big scoops.) True, CIA "excesses" were quietly deplored in Georgetown when the scandals emerged in Senate investigations since 1975, but nobody really doubted the agency's patriotic purposes or Dick Helms's personal integrity. "If, indeed, he committed perjury," a friend said recently, "it must have been in the national interest." Helms told the court on October 31 that he was caught between his oath to protect CIA "methods" and lying under oath to the Senate committee. He chose the latter, and the law went against him even though Carter let him escape a trial.

Attorney General Griffin Bell was quoted in an interview last month as saying that constant pressure had been applied to him by the Washington Establishment on Helms's behalf. The *Los Angeles Times* listed W. Averell Harriman, Georgetown's Democratic doyen; former Vice-President Nelson Rockefeller (who also is Kissinger's closest friend); CBS commentator Eric Sevareid; and *Time* magazine bureau chief Hugh Sidey as being among Helms's most ardent defenders. So were many Democratic and Republican senators who had been telling Bell that he did not "understand the system" and that "you can't indict a man who has had 35 years of public service."

In the end, however, Carter's decision hinged on "national security" and the concern that a trial might compromise the CIA's financial operations—and more. There have been cases in the past when the CIA prevailed upon the Justice Department to drop prosecutions in treason and espionage cases to avoid courtroom situations in which the agency's "sources and methods" could be damagingly revealed. (In fact, the CIA and the Justice Department signed a secret understanding in 1962 to stay out of each other's way.) Inasmuch as the 1947 National Security Act, which created the CIA, provides that its director has the responsibility for protecting the agency's "sources and methods"—including the maintenantce of secrecy over its budget and how the money is spent—the whole effort to prevent an indictment of Helms bore directly on this point.

The charges, as presented to the grand jury more than 18 months ago, were based on Helms's statement to the Senate Foreign Relations Committee on February 5, 1973, that contacts between the CIA and the International Telephone and Telegraph Corporation in the Chilean situation were only "for the purposes of the acquisition of information and things of this kind." Helms was being questioned by the senators about CIA-ITT connections because of earlier disclosures that the giant communications company, which feared that a leftist government in Chile would nationalize the telephone company owned by ITT there, had offered Helms $1 million in its own funds for subversive actions designed to keep Allende from being elected. The CIA turned down the offer, but agreed to help ITT channel $350,000 to Allende's opponent, the conservative candidate Jorge Alessandri.

This was discovered by the Senate Select Committee on Intelligence, which said in its 1975 report that the CIA had "advised ITT as to ways in which it might safely channel funds" to Alessandri's campaign. The report added that ITT used the channel proposed by the CIA and that "the CIA was informed of the extent and the mechanism of the funding." This discrepancy, between Helms's testimony and the Senate committee's subsequent findings, led the Justice Department under Levi to conclude that Helms may have been guilty of perjury.

The age of agents carrying suitcases full of money has been replaced by sophisticated banking methods.

(The delay in the Helms case also brought to a standstill a parallel federal grand jury investigation of charges that ITT, its chairman Harold Geneen, and other company executives committed perjury and fraud in claiming—and receiving—$94 million in insurance payments from a U.S. government agency after its Chilean holdings were nationalized. The payment would most likely have been refused had the government agency—the Overseas Private Investment Corporation, known as OPIC—been aware that ITT, in violation of its insurance contract, had interfered in Chilean politics. In testimony before a Senate subcommitee in April 1973, Geneen denied that ITT had contributed money "to any person or to any agency of any government to block the election of Dr. Allende." Asked whether ITT had ever made political contributions to a candidate or to a party in Chile, Geneen replied,"Absolutely no.")

In a trial, the White House feared, Helms would have been forced to reveal not only how the ITT funds were channeled by the CIA to the Alessandri campaign in Chile in 1970—perhaps a minor point in itself—but also how the agency has poured its money clandestinely into that country since 1964, when the United States first became engaged in covert political activities there. The total thus expended in Chile is believed to be close to $20 million.

Beyond the Chilean operations loom the whole skein of CIA worldwide financial relationships—the hidden transfers of vast sums of money to finance subversion, revolutions, coups d'état, paramilitary operations, bribery, and payments to foreign agents agents—that the agency would not want to come to light under any circumstances. Such revelations could destroy many of these

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arrangements and cause untold harm to institutions that have cooperated with the CIA for "national security reasons."

With rare exceptions, the age of agents carrying suitcases full of money from country to country is gone. It has been replaced by highly sophisticated banking methods under which funds move around the world, invisibly and untraceably. On the highest level, the CIA, probably using a domestic "front" person or company, deposits the sums it needs in American banks for transfer to covert operatives, or "cutouts," abroad. Care, however, must be exercised to make these transfers appear to be legitimate transactions: The CIA, which does not care to share its secrets with other government agencies, cannot be exposed to investigations by federal bank examiners or the Internal Revenue Service. To provide adequate cover for the transfers, top banking managers must be fully cooperative and have complete knowledge of what they are doing.

There is nothing illegal in these banking operations, but the banks themselves, particularly those with branches overseas and especially in Third World countries, could be in serious trouble if it became known that they serve as CIA channels. Their branches could, at worst, be nationalized or closed down. According to an expert in this field, "you will find that every major—and lots of minor—American banks have been involved as CIA channels."

Multinational corporations also frequently serve as CIA money conduits, just as they provide covers on occasion for agency operatives in their foreign offices. The funds are usually turned over to the corporations in the United States and paid to CIA representatives in foreign cities. But, again, these transfers are disguised. In the case of Chile (aside from the ITT contributions) and prior to the Brazilian revolution in 1964, much of the money was delivered through the multinationals. In Chile in 1970, funds were passed in some instances through Brazilian branches of the multinationals to make them even more difficult to trace. On a few occasions, however, Chilean pesos were quietly purchased by CIA operatives through branches of American banks in many South American countries and hand-carried across the Argentine border despite risks of discovery.

Investment houses are another conduit. According to the experts, there are investment houses in New York and elsewhere that have the "infrastructure" to move CIA funds easily; that is, because they have joint ventures with foreign companies and handle investments abroad, they provide a highly confidential vehicle for transferring CIA money.

A specific case in point is an American-owned investment house with offices in New York, London, Geneva, Buenos Aires, and Rio de Janeiro which is known to have been long active in handling CIA funds. This institution, in turn, has on its board of directors representatives of one of the largest Wall Street investment companies and of a major stock brokerage firm. These are also known to be close to the CIA. Another Wall Street firm with traditional international links has likewise acted on the CIA's behalf.

On another level, the CIA has been extensively using the services of Deak & Co., the largest American firm of currency dealers. Based in New York, Deak & Co. has offices in some 20 cities in the United States and abroad, including, most conveniently, Washington, San Francisco, Los Angeles, Miami, San Juan, Toronto, Vancouver, Honolulu, Zurich, Geneva, Vienna, London, Tokyo, Hong Kong, Macao, and Guam. Deak's principal advantage to the CIA is that, unlike commercial banks, currency dealers are not under the jurisdiction of federal bank examiners.

The Deak-CIA relationship dates back to the end of World War II, when Nicholas Deak, a Hungarian-born OSS operative, went into the currency business, allegedly with the support of the intelligence community. Over the years, Deak & Co. secretly moved CIA funds to finance such enterprises as the overthrow of Iran's Premier Mossadegh in 1954 (this was handled through Deak offices in Geneva and Zurich, and, through a friendly representative in Rome), operations in the Congo (now Zaire), and the agency's wartime work in Vietnam. According to knowledgeable sources, the CIA gave Deak dollars in Washington and received piastres in Saigon at a black-market rate.

Between 1969 and 1975, Deak transferred at least $8.3 million in secret payments by the Lockheed Aircraft Corporation to its agents in Japan as part of the now famous campaign to bribe Japanese government officials to buy its airplanes. One of these Japanese agents was Yoshio Kodama, a man with close ties to the U.S. intelligence community since the end of the war. Lockheed and the CIA had their own longstanding relationship, what with the aircraft company building the U-2 and SR-71 spy planes for the agency. There are indications that the CIA knew and approved of Lockheed's dealings through Deak & Co.

It is also possible that some Deak personnel were involved, together with the CIA, in the "laundering" of illegal funds for the Nixon reelection campaign in 1972. Washington sources say that a large amount of cash in brand-new $100 bills was purchased by unknown parties from the San Francisco branch of the Federal Reserve Bank and carried to Hong Kong. A courier then reportedly delivered the same amount of cash to the offices of a small chemical firm located in the same building in Washington where Deak & Co. are installed. The money, these sources say, subsequently found its way to the safe of Maurice Stans, then the finance chief of the Nixon reelection campaign. All this may explain in part why Nixon had been so anxious from the day of the Watergate break-in to keep the CIA out of the picture.

What other bizarre activities Deak & Co. may have conducted since 1972 are not known. On October 19, 1977, however, a federal grand jury in San Francisco delivered a 382-count criminal indictment against the firm's San Francisco office and its former general manager, Willi Beusch.

The charge was that Deak & Co. had "willfully" failed to report to the U.S. Customs Service the transportation of more than $10.9 million in currency from Manila to San Francisco, Los Angeles, and Honolulu between 1973 and 1976. The currency had been sent to the three Deak offices in envelopes marked "documents" by a Manila stockbroker named Arthur Giminez. This was in violation of the 1972 Bank Secrecy Act, which requires that reports be filed with Customs for currency exceeding $5000 shipped in or out of the United States. As far as is known, Deak & Co. has never explained whose money it was and for what purpose it was being transported. The larger unanswered question is why as sophisticated a firm as Deak & Co. risked criminal proceedings to move these funds.

Aside from international financial dealings, a Helms trial could have disclosed the nature of various CIA operations. Intelligence experts believe that by tracing the movement of funds, foreign services could identify specific CIA operations abroad. This was another of President Carter's concerns in weighing the Helms decision.

Finally, CIA methods in domestic operations could have come into undesirable light if Helms had been tried—not only the agency's network of "proprietary" firms, a matter already investigated by the Senate Select Committee on Intelligence, but, for example, how the agency paid the late Howard Hughes's Summa Corporation for the building and operating of the *Glomar Explorer*, the ship used to raise a sunken Soviet submarine from the bottom of the Pacific Ocean.

The CIA budget is a secret (it is believed to be about $10 billion annually), and appropriations for the agency are concealed throughout the federal budget. It has never been audited by the General Accounting Office, and the administration is highly reluctant to have it revealed. A public discussion of internal CIA finances and methods could have disclosed not only how much the *Glomar Explorer* cost and how the money was transferred to the Summa Corporation, but the existence of other top-secret agency undertakings.

In the end, Carter had a choice between his concept of national security and the principle that the law applies to all citizens, including Richard Helms. The president chose a middle road—a compromise between the two clear courses available to him. ❑

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SOUTH AFRICA AND THE AMERICAN SOUTH

What Andrew Young doesn't know about apartheid

GEORGE M. FREDRICKSON

DURING HIS RECENT WHIRLwind visit to South Africa, Andrew Young held up the recent history of the American South as a model for South Africans to imitate. He lectured young blacks on the effectiveness of nonviolent protest, and white businessmen on the compatibility of racial equality with a thriving free-enterprise system. Since he finds a profound similarity between South Africa today and the South before the civil rights movement, Young assumes that his past experience as a civil rights activist and disciple of the Rev. Martin Luther King gives him a special insight into how to fight apartheid. President Carter apparently shares this perspective, perhaps because his own background as a southern convert to integration makes him hopeful that white South Africans can also be redeemed from racism by appeals to Christian Conscience and economic self-interest.

What happened in the South, from the Young-Carter perspective, is that a rigidly white supremacist society was transformed into a relatively egalitarian one without a violent revolutionary upheaval. A combination of passive resistance by blacks, growing white awareness of the moral, social, and economic costs of segregation, and "outside" pressure from northern public opinion and the federal government resulted in the overthrow of an American version of apartheid. Some people were, of course, killed in the process, but the general anarchy feared by many whites did not result. Furthermore, the capitalistic economic development of the South was in no way retarded and may even have been helped by the death of Jim Crow. If it could happen here, the reasoning goes, why not in South Africa? And what could be better for American foreign policy than the peaceful achievement of a multiracial, liberal democracy to replace the embarrassingly tyrannical and reactionary government that now rules the strategic southern tip of Africa?

ONE WOULD HAVE TO BE A cynic to doubt the sincerity and good intentions of this "New South" perspective on South Africa. But everyone knows where good intentions can lead if unleavened by wisdom and knowledge. The use of false or misleading historical analogies by American statesmen has led to disastrous results in the past and might do so again in this instance. The fact is that there are many more differences than similarities between the South on the eve of the "civil rights revolution" and contemporary South Africa, and these differences suggest that the Young-Carter scenario for change is an extremely improbable one.

The most obvious difference is demographic. In South Africa the whites are outnumbered by Africans and other oppressed nonwhites by approximately five-to-one. In the American South in 1960 the racial breakdown was almost exactly the reverse, with blacks totaling only 21 percent of the population of the region. Hence, as Prime Minister Vorster of South Africa has pointed for reasons of his own, enfranchising a minority is a much less radical step than creating a new majority. The long history of racism and segregation directed at the black minority in the United States makes one shudder to think what would have happened here had blacks been more numerous than whites. Certainly a successful nonviolent campaign for civil rights would have been much less likely. A few decades ago blacks were the majority in some deep southern states and very close to it in others. But the massive migration of blacks to the North between World War I and the 1950s reduced Afro-Americans to a distinct minority in all southern states. As a result of this demographic shift, the bogy of "black domination," a close analogue of white South Africa's fear of being "swamped by the natives," ceased to have any factual basis. This relative whitening of the Deep South presumably made desegregation somewhat less traumatic in the 1960s than it would have been at an earlier time.

Another difference between the South in the 1950s and South Africa in the 1970s is the degree of cultural differences between the groups involved. Close and intimate contact over more than three centuries has not made black and white southerners identical in the way they think and behave. The creative responses of blacks to slavery and later forms of racial oppression resulted in a distinctive Afro-American subculture with a richness and vitality that has only recently begun to be understood and appreciated by historians and anthropologists.

But other studies have suggested that southerners of both races have certain traits in common that set them off, statistically at least, from white and black Americans from other sections. An especially strong commitment to an evangelical form of Protestant Christianity is only the most obvious aspect of a common southern-

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ism. When racial barriers began to be lowered, white and black southerners often found they had more in common than they has suspected.

THE SITUATION IS RATHER different in South Africa. Only the 10 percent of the population defined as "Coloured"—a racially mixed group of diverse origins localized in the Western Cape Province—has had a long history of cultural interaction with whites that parallels the black experience in the South. The Bantu-speaking Africans, about 70 percent of the total population, are still strongly influenced by their traditional tribal cultures, although an increasing proportion have adapted to a modern urban environment. But even the urbanized or "detribalized" segment of the African population is so rigidly segregated by the machinery of apartheid and kept in such poverty by economic "color bars" that there is little possibility that any sense of cultural affinity can develop between the races. Even the paternalistic interaction of master and servant is kept to a minimum by government regulations discouraging live-in domestics. Consequently, it is easier than in the South for whites and blacks to view each other as totally different kinds of people without any ground for common understandings.

Another very elementary but crucial distinction between the two situations is that the South is a minority region within a nation, whereas South Africa is an independent state. It is unlikely that the South would have desegregated had it not been for the pressure applied by the federal government and a liberalized northern public opinion. The Fourteenth and Fifteenth Amendments provided a constitutional basis for judicial and congressional intervention, and northern politicians and statesmen found some practical incentives for supporting civil rights in the growing importance of the urban black vote and in a perceived need to improve America's image abroad as part of the cold war struggle "for the hearts and minds of men." The fact that the North had the power and the incentive to liberate Southern blacks from segregation and disfranchisement had a deep effect on the strategy and tactics of the civil rights movement in the South. Civil disobedience to local segregation laws could be justified by appealing to the higher law of the Constitution, and demonstrators could confront racist southern authorities knowing that a sympathetic northern public was watching and that pressure was being created in Washington for legislative or executive action to meet their demands.

There is at the moment no effective outside or higher authority to which South African blacks can appeal. So long as South Africa was a British colony or dominion there were hopes that London might act in some way to curb the racial arrogance of the white settlers. But Great Britain was unresponsive, and, in any case, South Africa severed its last ties to the Commonwealth in 1961. Enemies of apartheid now hope that the United Nations, the Organization of African Unity, or even the Western powers may be induced to intervene. But there is little prospect for anything more than moral condemnation and ineffectual boycotts unless external powers come to the conclusion that their own vital interests are at stake. The Western powers in particular are unlikely to do anything more forceful than denouncing apartheid in principle so long as large-scale investments give their business communities a vested interest in the stability of the current regime.

Nonviolent resistance works only when there is some check on the ruthlessness of the dominant group.

SINCE THE REPRESSIVE WHITE government is not effectively restrained by any higher or external authority, the American precedent of nonviolent resistance has little or no application to the South African situation. Andrew Young seems unaware that mass civil disobedience has already been tried in South Africa and had to be abandoned by the black resistance movement because of the brutal repression that resulted. The "defiance campaign" of 1952, sponsored by the African National Congress, resulted only in the killing of demonstrators by police, mass arrests, and the passing of a law making civil disobedience a crime in itself, with much more severe penalties than those prescribed for breaking the particular laws or regulations under attack. A similar effort by the Pan African Congress in 1960 came to a bloody end when the police fired into a crowd of demonstrators at Sharpeville, killing 72 and wounding 186.

Efforts at nonviolent protest have been followed by Draconian laws suspending civil liberties, authorizing the detention of dissidents without trial, banning the organizations responsible for the protest, and providing for the prosecution and long-term imprisonment of major leaders under statutes outlawing any activity that the government chooses to define as disruptive or subversive. Nonviolent resistance works only when there is some check on the ruthlessness of the dominant group. Imagine what would have happened to the passive resisters in the South if the White Citizens' Council had controlled an independent southern government, and you will get some sense of what the nonviolent movement was up against in South Africa. It is not surprising that by the 1960s black resistance leaders turned away from nonviolence to selective sabotage and preparation for guerrilla warfare.

A final and less obvious difference between the South before the civil rights movement and South Africa in 1977 involves the role of black labor. In both societies the traditional economic function of blacks has been to perform menial work under various forms of coercion. There is a common history of slavery, emancipation, and the subsequent devlopment of new devices to control black workers and prevent them from competing with whites in a free labor market. In the South after Reconstruction this was achieved in two basic ways: first by entangling black farmers in sharecropping and credit arrangements that became a veiled form of peonage, and secondly by reserving for poor whites most of the factory jobs opened up by southern industrialization.

This basic pattern of rural dependency remained virtually unchanged until the great economic transformation that occured in the South between the 1930s and the 1960s. With the mechanization of southern agriculture and the shift to larger, more capital-intensive units of production, the need for a large supply of dependent farmworkers disappeared, and there was a massive shift of black population from the rural areas to the cities.

The magnitude of this change is reflected in the fact that the proportion of blacks living on the land declined from one-half in 1940 to one-fifth in 1960. Many of these former sharecroppers went to the ghettos of northern cities, but those who remained in the South benefitted from a postwar boom that greatly increased the pace of industrialization and created local labor shortages. Although racial discrimination persisted in industrial hiring, it did not take the form of a rigid "color bar," and blacks were able to make substantial inroads into manufacturing for the first time in southern history. In addition to those migrants who were fortunate enough to get permanent industrial jobs, there were many others who fell into a kind of underclass dependent on welfare and irregular unskilled work. But despite the substantial disadvantages under

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which blacks still labored, most were no longer tied to the land by a quasi-serfdom that denied them access to a free labor market.

What these changes mean for our comparison is that by the time of the civil rights movement, southern blacks were ceasing to perform a distinctive and race-related economic function that gave the white power structure a strong vested interest in legalized white supremacy. The modernization of the southern economy along free-labor capitalistic lines and the attendant decline in the need for a large class of disfranchised tenant farmers and unskilled workers may in fact have been a precondition for the successes of the civil rights movement.

IN SOUTH AFRICA, ON THE other hand, the coincidence of racial status and a special kind of subservient economic role has not only persisted but has actually become stronger in recent years. This difference stems from the fact that white South Africa has worked out a method for using servile black labor in *industry* as well as in agriculture and has succeeded in modernizing its economy without weakening traditional racial barriers. The system involves a sharp division between a small class of skilled and highly paid white workers and a mass of low-paid and less skilled Africans, a large proportion of whom are temporary migrants from the native reserves or "homelands" working under contracts which it is a criminal offense to violate.

This labor pattern has deep roots in South African history. It first evolved in the gold and diamond mines in the late nineteenth and early twentieth centuries, and was later extended to manufacturing. In the early 1920s, there was an effort by the mine owners to cut costs by repacing some of the whites in skilled occupations by lower-paid Africans. This provoked the massive and violent strike of 1922, during which white workers battled government forces and also attacked the compounds housing African workers. The "Rand Rebellion" was eventually put down by the army with considerable loss of life. But the government then in power lost the next election to a white supremacist coalition of trade unionists and Afrikaner Nationalists.

The new regime then proceeded to give white workers ironclad protection against African competition by legislating a rigid "color bar" in industry. At the same time that the principle of "job reservation" was turning white workers into a privileged caste in law as well as custom, the increasing migration of Africans to the urban areas was met by a series of measures designed to restrict their right to permanent settlement and keep as many as possible in the status of migratory laborers. The industrial legislation of the Afrikaner Nationalist government that has ruled South Africa since 1948 has not introduced any radical new principles; it has simply shored up and strengthened the preexisting edifice of white privilege and black subordination. A desperate shortage of skilled workers has forced some slight adjustments in the industrial color bar, but the principle that the African in industry is essentially a migrant without the rights associated with a resident labor force has been stressed more strongly than ever.

Today, as in the past, the migrant workers are mostly single men forced by economic necessity to leave their families behind in the overcrowded and impoverished native areas to work for a year or so in the mines and factories under regimented conditions that resemble a temporary form of industrial slavery. After their term of service is over, they return to the homelands, and others take their place. The system has some drawbacks from the point of view of the employers because it impedes the growth of skills and industrial work habits on the part of African laborers. But up to now these disadvantages have been far outweighed by the profits made possible by extraordinarily low wage costs. According to a recent estimate, these oscillating migrants make up about 50 percent of the urban African males. The others are mostly workers who think of themselves as permanent urban residents. But the government has denied them freehold property rights, forced them to live in isolated townships many miles from their places of employment, limited their economic opportunities by industrial color bars, and told them that they are perpetual aliens who can never claim political rights in the "white" urban areas. Often blacks who have resided in the cities for many years have been declared "superfluous" and exiled to "Homelands" that some of them have never seen.

The trend is toward an intensification of this pattern. The migratory labor system has expanded enormously since the mid-sixties as part of an effort to reduce all urban blacks to the situation of rightless "guest workers." The granting of greater autonomy or even nominal independence to the reserved tribal areas or "Bantu Homelands" is an integral part of this design; for if all Africans can be assigned "citizenship" in a Homeland on the basis of their tribal ancestry, the government has an added excuse for treating them as alien sojourners without any claim to civil and political rights in the "white areas." When the Transkei became "independent" in 1976, the million or more Transkeians living and working in the rest of South Africa were automatically stripped of South African citizenship and placed in the same category as migrant workers from Malawi or Mozambique. Since the areas assigned for exclusive black occupancy and slated for "independence" represent only 13 percent of the country and can sustain only a diminishing minority of the African population, economic pressure alone can be relied upon to force blacks to enlist as migrant workers for the factories and mines.

The South African economic system is therefore based on the labor of blacks who are controlled by police state methods and told where they must live and work by the ruling white elite. Hence South Africa provides a strange case of a relatively modernized capitalistic economy without a free labor market. It might be an exaggeration to say that the system constitutes a new form of industrial slavery, but most black workers are in fact under the absolute dominance of a white bureaucracy that shuttles them about at will and enforces laws that deny them the bargaining power to raise their wages beyond a bare subsistence level.

WHATEVER LONG-TERM disadvantages it may have, the system has up to now proved capable, against all the expectations of liberal economists, of generating a high rate of economic growth. Some of the crumbs of this prosperity have fallen to the Africans, but the real feast has been enjoyed by the whites who have used their monopoly of political power to deny Africans their fair share of the fruits of industrial development. (It has been estimated that the average white income is about 10 times that of the black.) Since the economic privilege of the whites is dependent on their absolute political dominance, granting blacks the right to vote or to strike for higher wages and better jobs would result in a redistribution of wealth and opportunity that would undermine the artificially high white standard of living. One does not have to be an economic determinist to recognize that South African whites will fight hard to preserve racial privileges that also constitute direct economic interests.

Returning to our comparison, we can see that the U.S. South and South Africa have been moving in opposite directions. In the South there has been a breakdown of the traditional correlation between race and economic dependency, whereas in South Africa there has been a strengthening of this nexus through the development of an industrial form of bonded servitude. Hence the South African economy is dependent on racial oppression to an extent that the South had ceased to be by 1960. In some ways, South Africa resembles the South before the abolition of slavery more than it does the South in recent times, and the fate of southern slaveholders might be kept in mind in predicting the future of the white ruling class. Societies held together by a close fit between profitable economic exploitation and racial inequality are unlikely to change radically unless they are literally forced to do so. How best to create the necessary pressure is the great unresolved problem for the antiapartheid movement. But it would be a step in the right direction if the Carter administration dropped the analogy with the New South and recognized that overthrowing apartheid will involve much more drastic and painful kinds of action than those which served to dismantle Jim Crow in the 1960s. ❑

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The Age of the Disabling Professions

Our age will be remembered as the time when the professionals took control and we lost the ability to think and do for ourselves.

By Ivan Illich

THE ILLUSIONS THAT PERmitted the installation of professions as arbiters of needs are now increasingly visible to common sense. Procedures in the service sector are often understood for what they are—Linus blankets, or rituals that hide from the provider-consumer caboodle the disparity and antipathy between the ideal for the sake of which the service is rendered and the reality that the service creates. Schools that promise equal enlightenment generate unequally degrading meritocracy and lifelong dependence on further tutorship; vehicles compel everyone to a flight forward. But the public has not yet clarified the choices. Projects under professional leadership could result in compulsory political creeds (with their accompanying versions of a new fascism), or experiences of citizens could dismiss our hubris as yet another historical collection of neo-Promethean but essentially ephemeral follies. Informed choice requires that we examine the specific role of the professions in determining who in this age got what from whom and why.

To see the present clearly, let us imagine the children who will soon play in the ruins of high schools, Hiltons, and hospitals. In these professional castles turned cathedrals, built to protect us against ignorance, discomfort, pain, and death, the children of tomorrow will reenact in their play the delusions of our Age of Professions, as from ancient castles and cathedrals we reconstruct the crusades of knights against sin and the Turk in the Age of Faith. Children in their games will mingle the Uniquack which now pollutes our language with archaisms inherited from robber barons and cowboys. I see them addressing each other as chairman and secretary rather than as chief and lord. Of course, adults will blush when they slip into managerial pidgin with terms such as policy-making, social planning, and problem-solving.

The Age of Professions will be remembered as the time when politics withered, when voters guided by professors entrusted to technocrats the power to legislate needs, the authority to decide who needed what, and a monopoly over the means by which those needs should be met. It will be remembered as the Age of Schooling, when people for one-third of their lives were trained to accumulate needs on prescription and for the other two-thirds were clients of prestigious pushers who managed their habits. It will be remembered as the age when recreational travel meant a packaged gawk at strangers, and intimacy meant training by Masters and Johnson; when formed opinion was a replay of last night's talk-show, and voting, an endorsement to a salesman for more of the same.

Future students will be as much confused by the supposed differences between capitalist and socialist school, health care, prison, or transportation systems as today's students are by the claimed differences between justification by works as opposed to justification by faith in the late Reformation Christian sects. They will also discover that the professional librarians, surgeons, or supermarket designers in poor or socialist countries toward the end of each decade

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> Voters, guided by professors, entrusted to technocrats the power to legislate needs.

came to keep the same records, use the same tools, and build the same spaces that their colleagues in rich countries had pioneered at the decade's beginning. Archeologists will periodize our life-span not by potsherds but by professional fashions, reflected in the mod-trends of United Nations publications.

It would be pretentious to predict whether this age, when needs were shaped by professional design, will be remembered with a smile or a curse. I hope, of course, that it will be remembered as the night when father went on a binge, dissipated the family fortune, and obligated his children to start anew. Sad to say, it will much more probably be remembered as the time when a whole generation's frenzied pursuit of impoverishing wealth rendered all freedoms alienable and, after first turning politics into the organized gripes of welfare recipients, extinguished it in expert totalitarianism.

It is true that people have recently lost the confidence to shape their own desires. The worldwide discrimination against the autodidact has vitiated many people's confidence in determining their own goals and needs. But the same discrimination has also resulted in a multiplicity of growing minorities who are infuriated by this insidious dispossession. Now these are barely beginning to grow and coalesce for public dissidence. Subjectively, these groups are ready to end an age. But to be dispatched, an age needs a name that sticks. I propose to call the mid-twentieth century the Age of Disabling Professions. I choose this designation because it commits those who use it. It exposes the antisocial functions performed by the least challenged providers—educators, physicians, social workers, and scientists. Simultaneously, it indicts the complacency of citizens who have submitted themselves to multifaceted bondage as clients.

But this focus on the makers of the social imagination and the cultural values does more than expose and denounce; by designating the last 25 years as the Age of Dominant Professions, one also proposes a strategy. One sees the necessity of going beyond the expert redistribution of wasteful, irrational, and paralyzing commodities, the hallmark of Radical Professionalism, the conventional wisdom of today's good guys. The strategy demands nothing less than the unmasking of the professional ethos.

LET US FIRST FACE THE FACT that the bodies of specialists that now dominate the creation, adjudication, and satisfaction of needs are a new kind of cartel. And this must be recognized in order to outflank their developing defenses. For we already see the new biocrat hiding behind the benevolent mask of the physician of old; the pedocrat's behavioral aggression is shrugged off as the overzealous, perhaps silly, care of the concerned teacher; the personnel manager equipped with a psychological arsenal presents himself in the guise of an old-time foreman. The new specialists, who are usually servicers of human needs that their speciality has defined, tend to wear the mask of love and to provide some form of care. They are more deeply entrenched than a Byzantine bureaucracy, more international than a world church, more stable than any labor union, endowed with wider competencies than any shaman, and equipped with a tighter hold over those they claim than any mafia.

The new, organized specialists must, first, be carefully distinguished from racketeers. Educators, for instance, now tell society what must be learned, and they write off what has been learned outside school. By this kind of monopoly, which enables tyrannical professions to prevent you from shopping elsewhere and from making your own booze, they at first seem to fit the dictionary definition of gangsters. But gangsters, for their own profit, corner a basic necessity by controlling supplies. Educators and doctors and social workers today—as did priests and lawyers formerly—gain legal power to create the need that, by law, they alone will be allowed to serve. They turn the modern state into a holding corporation of enterprises that facilitate the operation of their self-certified competencies.

Legalized control over work has taken many different forms: Soldiers of fortune refused to fight until they got the license to plunder; Lysistrata organized female chattels to enforce peace by refusing sex; doctors in Cos conspired by oath to pass trade secrets only to their offspring; guilds set the curricula, prayers, tests, pilgrimages, and hazings through which Hans Sachs had to pass before he was permitted to shoe his fellow burghers. In capitalist countries, unions attempt to control who shall work what hours for what pay. All these trade associations are attempts by specialists to determine how their kind of work shall be done and by whom. But none of these specialists are professionals in the sense that doctors, for instance, are today.

Today's domineering professionals, of whom physicians provide the most striking and painful example, go further: They decide what shall be made, for whom, and how it shall be administered. They claim special, incommunicable knowledge, not just about the way things are and are to be made, but also about the reasons why their services ought to be needed. Merchants sell you the goods they stock. Guildsmen guarantee quality. Some craftspeople tailor their product to your measure or fancy. Professionals, however, tell you what you need. They claim the power to prescribe. They not only advertise what is good but ordain what is right. Neither income, long training, delicate tasks, nor social standing is the mark of the professional. Their income can be low or taxed away, their training compressed into weeks instead of years; their status can approach that of the oldest profession. Rather, what counts is the professional's authority to define a person as client, to determine that person's need, and to hand that person a prescription which defines this new social role. Unlike the hookers of old, the modern professional is not one who sells what others give for free, but rather one who decides what ought to be sold and must not be given for free.

There is a further distinction between professional power and that of other occupations: Professional power springs from a different source. A guild, a union, or a gang forces respect for its interest and rights by a strike, blackmail, or overt violence. In contrast, a profession, like a priesthood, holds power by concession from an elite whose interests it props up. As a priesthood offers the way to salvation in the train of an anointed king, so a profession interprets, protects, and supplies a special this-worldly interest to the constituency of modern rulers. Professional power is a specialized form of the privilege to prescribe what is right for others and what they therefore need. It is the source of prestige and control within the industrial state. This kind of professional power could, of course, come into existence only in societies where elite membership itself is legitimated, if not acquired, by professional status—a society where governing elites are attributed a unique kind of objectivity in defining the moral status of a lack. It fits like a glove the age in which even access to parliament, the house of commons, is in fact limited to those who have acquired the title of master by accumulating knowledge stock in some college. Professional autonomy and license in defining the needs of society are the logical forms that oligarchy takes in a political culture that has replaced the means-

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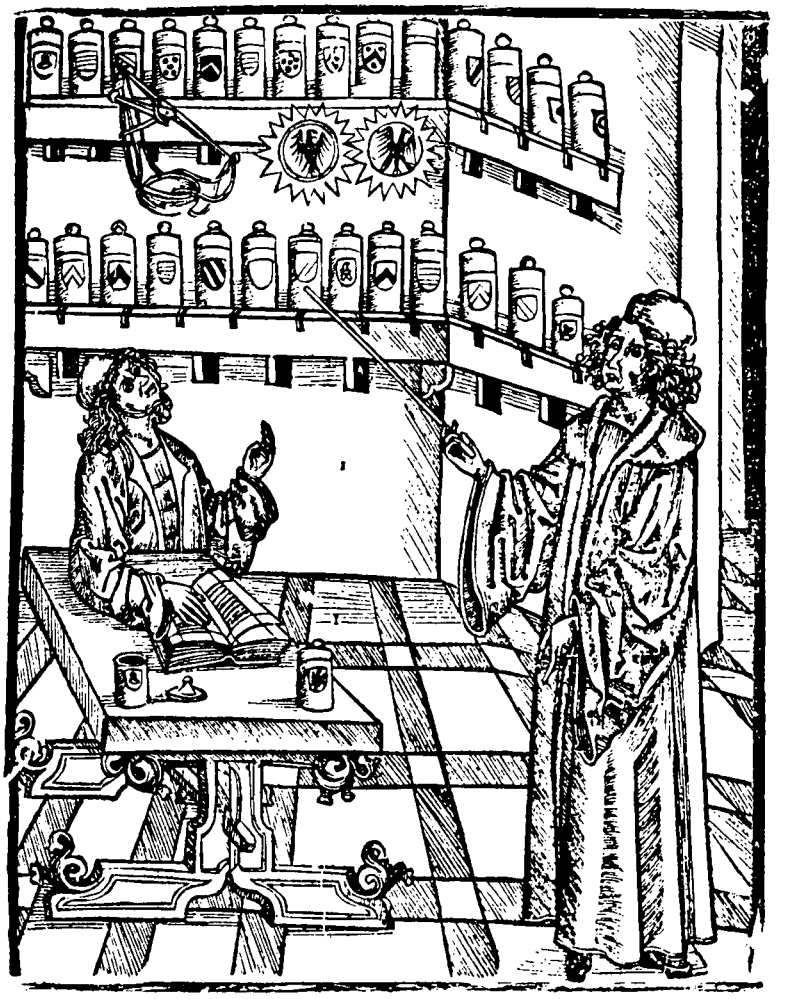
test by knowledge-stock certificates issued by schools. The professions' power over the work their members do is thus distinct in both scope and origin.

Professional power has also, recently, so changed in degree that two animals of entirely different colors now go by the same name. For instance, the practicing and experimenting health scientist consistently evades critical analysis by dressing up in the clothes of yesterday's family doctor. The wandering physician became the medical doctor when he left commerce in drugs to the pharmacist and kept for himself the power to prescribe them. At that moment, he acquired a new kind of authority by uniting three roles in one person: the sapiential authority to advise, instruct, and direct; the moral authority that makes its acceptance not just useful but obligatory; and the charismatic authority that allows the physician to appeal to some supreme interest of his clients that outranks not only conscience but sometimes even the *raison d'état*. This kind of doctor, of course, still exists, but within a modern medical system he is a figure out of the past. A new kind of health scientist is now much more common. He increasingly deals more with cases than with persons; he deals with the breakdown that he can perceive in the case rather than with the complaint of the individual; he protects society's interest rather than the person's. The authorities that, during the liberal age, had coalesced in the individual practitioner in his treatment of a patient are now claimed by the professional corporation in the service of the state. This entity now carves out for itself a social mission.

Only during the last 25 years has medicine turned from a liberal into a dominant profession by obtaining the power to indicate what constitutes a health need for people in general. Health specialists as a corporation have acquired the authority to determine what health care must be provided to society at large. It is no longer the individual professional who imputes a "need" to the individual client, but a corporate agency that imputes a need to entire classes of people and then claims the mandate to test the complete population in order to identify all who belong to the group of potential patients. And what happens in health care is thoroughly consistent with what goes on in other domains. New pundits constantly jump on the bandwagon of the therapeutic-care provider: educators, social workers, the military, town planners, judges, policemen, and their ilk have obviously made it. They enjoy wide autonomy in creating the diagnostic tools by which they then catch their clients for treatment. Dozens of other need-creators try: International bankers "diagnose" the ills of an African country and then induce it to swallow the prescribed treatment, even though the "patient" might die; security specialists evaluate the loyalty risk in a citizen and then extinguish his private sphere; dogcatchers sell themselves to the public as pest controllers and claim a monopoly over the lives of stray dogs. The only way to prevent the escalation of needs is a fundamental, political exposure of those illusions that legitimate dominating professions.

MANY PROFESSIONS ARE SO well established that they not only exercise tutelage over the citizen-become-client but also determine the shape of his world-become-ward. The language in which he perceives himself, his perception of rights and freedoms, and his awareness of needs all derive from professional hegemony.

The difference between craftsman, liberal professional, and the new technocrat can be clarified by comparing their typical reactions to people who neglect their respective advice. If you did not take the craftsman's advice, you were a fool. If you did not take liberal counsel, society blamed you. Now the profession or the government may be blamed when you escape from the care that your lawyer, teacher, surgeon, or shrink has decided upon for you. Under the pretense of meeting needs better and on a more equitable basis, the service professional has mutated into a crusading philanthropist. The nutritionist prescribes the "right" formula for the infant



and the psychiatrist the "right" antidepressant, and the schoolmaster—now acting with the fuller power of "educator"—feels entitled to push his method between you and anything you want to learn. Each new specialty in service production thrives only when the public has accepted and the law has endorsed a new perception of what ought not to exist. Schools expanded in a moralizing crusade against illiteracy, once illiteracy had been defined as an evil. Maternity wards mushroomed to do away with home births.

Professionals claim a monopoly over the definition of deviance and the remedies needed. For example, lawyers assert that they alone have the competence and the legal right to provide assistance in divorce. If you devise a kit for do-it-yourself divorce, you find yourself in a double bind: If you are not a lawyer, you are liable for practicing without a license; if you are a member of the bar, you can be expelled for unprofessional behavior. Professionals also claim secret knowledge about human nature and its weaknesses, knowledge they are also mandated to apply. Gravediggers, for example, did not become members of a profession by calling themselves morticians, by obtaining college credentials, by raising their incomes, or by getting rid of the odor attached to their trade by electing one of themselves president of the Lion's Club. Morticians formed a profession, a dominant and disabling one, when they acquired the muscle to have the police stop your burial if you are not embalmed and boxed by them. In any area where a human need can be imagined, these new disabling professions claim that they are the exclusive wardens of the public good.

The transformation of a liberal profession into a dominant one is equivalent to the legal establishment of a church. Physicians transmogrified into biocrats, teachers into gnosocrats, morticians into thanatocrats, are much closer to state-supported clergies than to trade associations. The professional as teacher of the current brand of scientific orthodoxy acts as theologian. As moral entrepreneur, he acts the role of priest—he creates the need for his mediation. As crusading helper, he acts the part of the missionary and

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It will be remembered as the age when intimacy meant training by Masters and Johnson.

hunts down the underprivileged. As inquisitor, he outlaws the unorthodox—he imposes his solutions on the recalcitrants who refuse to recognize that they are a problem. This multifaceted investiture with the task of relieving a specific inconvenience of man's estate turns each profession into the analogue of an established cult. The public acceptance of domineering professions is thus essentially a political event. The new profession creates a new hierarchy, new clients and outcasts, and a new strain on the budget. But also, each new establishment of professional legitimacy means that the political tasks of lawmaking, judicial review, and executive power lose more of their proper character and independence. Public affairs pass from the layperson's elected peers into the hands of a self-accrediting elite.

When medicine recently outgrew its liberal restraints, it invaded legislation by establishing public norms. Physicians had always determined what constitutes disease; dominant medicine now determines what diseases society shall not tolerate. Medicine has invaded the courts. Physicians had always diagnosed who is sick; dominant medicine, however, brands those who must be treated. Liberal practitioners prescribed a cure: dominant medicine has public powers of correction; it decides what shall be done with or to the sick. In a democracy, the power to make laws, execute them, and achieve public justice must derive from the citizens themselves. This citizen control over the key powers has been restricted, weakened, and sometimes abolished by the rise of churchlike professions. Government by a congress that bases its decisions on expert opinions of such professions might be government for, but never by, the people. This is not the place to investigate the intent with which political rule was thus weakened; it is sufficient to indicate the professional disqualification of lay opinion as a necessary condition for this subversion.

Citizen liberties are grounded in the rule that excludes hearsay from testimony on which public decisions are based. What people can see for themselves and interpret is the common ground for binding rules. Opinions, beliefs, inferences, or persuasions ought not to stand when in conflict with the eyewitness—ever. Expert elites could become dominant professions only by a piecemeal erosion and final reversal of this rule. In the legislature and courts, the rule against hearsay evidence is now, de facto, suspended in favor of the opinions proffered by the members of these self-accredited elites.

But let us not confuse the public use of expert factual knowledge with a profession's corporate exercise of normative judgment. When a craftsman, such as a gunmaker, was called into court as an expert to reveal the secrets of his trade, he apprenticed the jury to his craft on the spot. He demonstrated visibly from which barrel the bullet had come. Today, most experts play a different role. The dominant professional provides jury or legislature with his fellow initiate's opinion rather than with factual evidence and a skill. He calls for a suspension of the hearsay rule and inevitably undermines the rule of law. Thus, democratic power is ineluctably abridged.

PROFESSIONS COULD NOT have become dominant and disabling unless people had been ready to experience as a lack that which the expert imputed to them as a need. Their mutual dependence as tutor and charge has become resistant to analysis because it has been obscured by corrupted language. Good old words have been made into branding irons that claim wardship for experts over home, shop, store, and the space or ether between them. Language, the most fundamental of commons, is thus polluted by twisted strands of jargon, each under the control of another profession. The disseizin of words, the depletion of ordinary language and its degradation into bureaucratic terminology, parallels in a more intimately debasing manner that particular form of environmental degradation that dispossesses people of their usefulness unless they are gainfully employed. Possible changes in design, attitudes, and laws that would retrench professional dominance cannot be proposed unless we become more sensitive to the misnomers behind which this dominance hides.

When I learned to speak, "problems" existed only in math or chess; "solutions" were saline or legal, and "need" was mainly used as a verb. The expressions "I have a problem" or "I have a need" both sounded silly. As I grew into my teens and Hitler worked at "solutions," the "social problem" also spread. "Problem" children of ever newer shades were discovered among the poor as social workers learned to brand their prey and to standardize their "needs." Need, used as a noun, became the fodder on which professions fattened into dominance. Poverty was modernized. Management translated poverty from an experience into a measure. The poor became the "needy."

During the second half of my life, to be "needy" became respectable. Computable and imputable needs moved up the social ladder. It ceased to be a sign of poverty to have needs. Income opened new registers of need. Spock, Comfort, and vulgarizers of Nader trained laymen to shop for solutions to problems they learned to cook up according to professional recipes. Education qualified graduates to climb ever more rarefied heights and implant and cultivate there ever newer strains of hybridized needs. Prescriptions increased and competences shrank. In medicine, for example, ever more pharmacologically active drugs when on prescription, and people lost their will and ability to cope with indisposition or even discomfort. In American supermarkets, where it is estimated that about 1500 new products appear each year, less than 20 percent survive more than one year on the shelves, the remainder having proved unsellable, faddish, risky, or unprofitable, or obsolete competitors with new models. Therefore consumers are increasingly forced to seek guidance from professional consumer protectors.

Furthermore, the rapid turnover of products renders wants shallow and plastic. Paradoxically, then, high aggregate consumption resulting from engineered needs fosters growing consumer indifference to specific, potentially felt wants. Increasingly, needs are created by the advertising slogan and by purchases made by order from the registrar, beautician, gynecologist, and dozens of other prescribing diagnosticians. The need to be formally taught how to need, be this by advertising, prescription, or guided discussion in the collective or in the commune, appears in any culture where decisions and actions are no longer the result of personal experience in satisfaction, and the adaptive consumer cannot but substitute learned for felt needs. As people become apt pupils in learning how to need, the ability to shape wants from experienced satisfaction becomes a rare competence of the very rich or the seriously undersupplied. As needs are broken down into ever smaller component parts, each managed by an appropriate specialist, the consumer experiences difficulty in integrating the separate offerings of his various tutors into a meaningful whole that could be desired with commitment and possessed with pleasure. The income managers, lifestyle counselors, consciousness-raisers, academic advisers, food-fad experts, sensitivity developers, and others like them clearly per-

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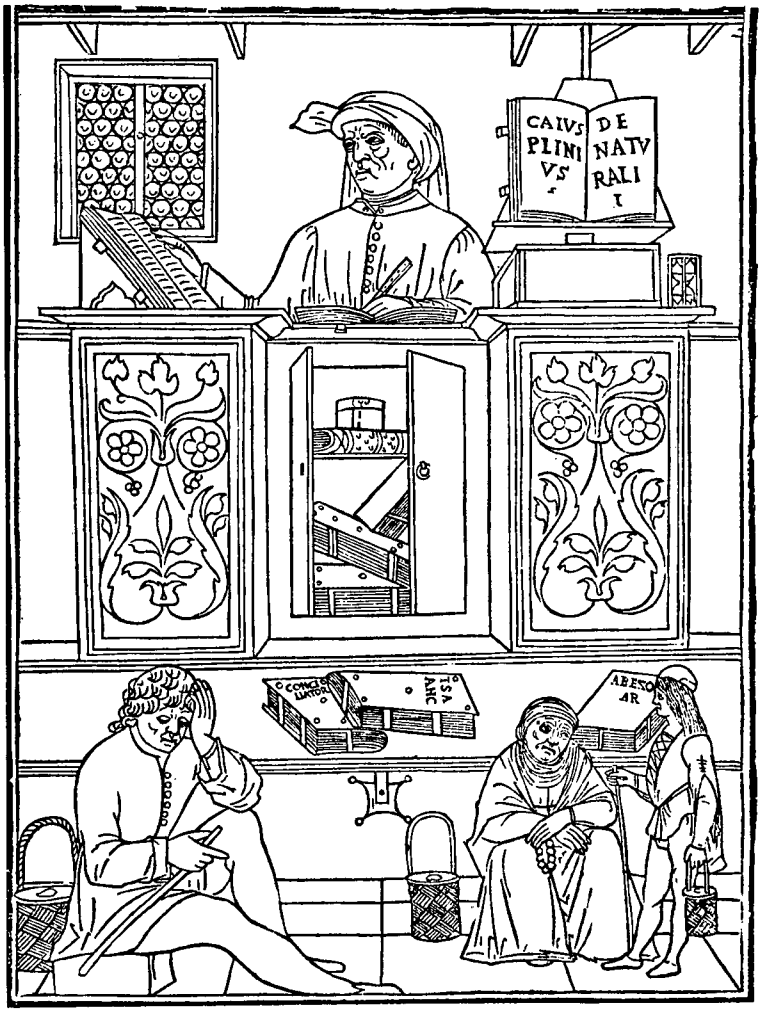
ceive the new possibilities for management and move in to match packaged commodities to the splintered needs.

Used as a noun, "need" is the individual offprint of a professional pattern; it is a plastic-foam replica of the mold in which professionals cast their staple; it is the advertised shape of the brood cells out of which consumers are produced. To be ignorant or unconvinced of one's own needs has become the unforgivable antisocial act. The good citizen is one who imputes standardized needs to himself with such conviction that he drowns out any desire for alternatives, much less for the renunciation of needs.

HEN I WAS BORN, BEFORE Stalin and Hitler and Roosevelt came to power, only the rich, hypochondriacs, and members of elite unions spoke of their need for medical care when their temperatures rose. Doctors then, in response, could not do much more than grandmothers had done. In medicine the first mutation of needs came with sulfa drugs and antibiotics. As the control of infections became a simple and effective routine, drugs went more and more on prescription. Assignment of the sick-role became a medical monopoly. The person who felt ill had to go to the clinic to be labeled with a disease name and to be legitimately declared a member of the minority of the so-called sick: people excused from work, entitled to help, put under doctor's orders, and enjoined to heal in order to become useful again. Paradoxically, as pharmacological technique —tests and drugs—became so predictable and cheap that one could have dispensed with the physician, society enacted laws and police regulations to restrict the free use of those procedures that science had simplified, and placed them on the prescription list.

The second mutation of medical needs happened when the sick ceased to be a minority. Today, few people eschew doctors' orders for any length of time. In Italy, the United States, France, or Belgium, one out of every two citizens is being watched simultaneously by several health professionals who treat, advise, or at least observe him or her. The object of such specialized care is, more often than not, a condition of teeth, womb, emotions, blood pressure, or hormone levels that the patient himself does not feel. Patients are no more in the minority. Now, the minority are those deviants who somehow escape from any and all patient-roles. This minority is made up of the poor, the peasants, the recent immigrants, and sundry others who, sometimes on their own volition, have gone medically AWOL. Just 20 years ago, it was a sign of normal health—which was assumed to be good—to get along without a doctor. The same status of nonpatient is now indicative of poverty or dissidence. Even the status of the hypochondriac has changed. For the doctor in the forties, this was the label applied to the gate-crashers in his office—the designation reserved for the imaginary sick. Now, doctors refer to the minority who flee them by the same name: Hypochondriacs are the imaginary healthy. To be plugged into a professional system as a lifelong client is no longer a stigma that sets apart the disabled person from citizens at large. We now live in a society organized for deviant majorities and their keepers. To be an active client of several professionals provides you with a well-defined place within the realm of consumers for the sake of whom our society functions. Thus, the transformation of medicine from a liberal consulting profession into a dominant, disabling profession has immeasurably increased the number of the needy.

At this critical moment, imputed needs move into a third mutation. They coalesce into what the experts call a multidisciplinary program necessitating, therefore, a multiprofessional solution. First, the proliferation of commodities, each tending to turn into a requirement, has effectively trained the consumer to need on command. Next, the progressive fragmentation of needs into ever smaller and unconnected parts has made the client dependent on professional judgment for the blending of his needs into a meaningful whole. The auto industry provides a good example. By the end of the sixties, the advertised optional equipment needed to make a basic Ford desirable had been multiplied immensely. But contrary to the customer's expectations, this "optional" flim-flam is in fact installed on the assembly line of the Detroit factory, and the shopper in Plains is left with a choice between a few packaged samples that are shipped at random: He can either buy the convertible that he wants but with the green seats he hates, or he can humor his girlfriend with leopard-skin seats at the cost of buying an unwanted paisley hardtop.



Finally, the client is trained to need a team approach to receive what his guardians consider "satisfactory treatment." Personal services that improve the consumer illustrate the point. Therapeutic affluence has exhausted the available lifetime of many whom service professionals diagnose as standing in need of more. The intensity of the service economy has made the time needed for the consumption of pedagogical, medical, and social treatments increasingly scarce. Time scarcity may soon turn into the major obstacle to the consumption of prescribed, and often publicly financed, services. Signs of such scarcity become evident from one's early years. Already in kindergarten, the child is subjected to management by a team made up of such specialists as the allergist, speech pathologist, pediatrician, child psychologist, social worker, physical-education instructor, and teacher. By forming such a pedocratic team, many different professionals attempt to share the time that has become the major limiting factor to the imputation of further needs. For the adult, it is not the school but the workplace where the packaging of services focuses. The personnel manager, labor educator, in-service trainer, insurance planner, consciousness-raiser find it more profitable to share the worker's time than to compete for it. A need-less citizen would be highly suspicious. People are told that they need their jobs not so much for the money as for the services they get. The commons are extinguished and replaced by a new placenta built of funnels that deliver professional services. Life is paralyzed in permanent intensive care. ❏

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IT DIDN'T START WITH WATERGATE,
by Victor Lasky. Dial Press, 438 pp., $10.00.

Call it a tradition

BARTON J. BERNSTEIN

*"DIRTY TRICKS" AT THE HIGH*est levels of partisan politics did not begin with Watergate. Fraudulent votes sent "Landslide" Lyndon B. Johnson to the Senate in 1948, and Chicago's Mayor Daley apparently gave John F. Kennedy similar assistance in 1960, when some of Chicago's corpses cast loyal ballots. At the Democratic convention that year, according to a Stevenson worker, "we put a tap on the Kennedy phone lines [and then] put out a statement accusing the Kennedy people of [tapping] the Stevenson phones." Thirteen years later, the GOP released affidavits charging an investigator for the Ervin Committee with trying to tap Nixon while working for Kennedy in 1960.

Nor did cover-ups of the secret, partisan abuse of national security agencies and Internal Revenue begin with Nixon. Franklin D. Roosevelt used the FBI to investigate opponents of his foreign policy and to wiretap his own aides. Harry S Truman, acting through his attorney general, also had the FBI wiretap a former FDR adviser (probably Thomas Corcoran), who was trying to influence the new administration. John F. Kennedy leaked secret income tax information to the press and offered FBI reports to a friendly journalist in return for favorable stories. Johnson used the FBI for electronic and physical surveillance of rival forces at the 1964 Democratic convention, ordered FBI reports on Barry Goldwater's staff that year, had the FBI check on the phone calls of Vice-President-elect Spiro Agnew in 1968, and gave other fruits of FBI snooping to friendly congressmen for use against Johnson enemies.

Before Nixon, various administrations had also used the national security machinery in questionable, though perhaps nonpartisan, ways. Attorney General Robert Kennedy sanctioned electronic surveillance of Martin Luther King because it was believed he might be under the influence of a suspected communist. JFK had the FBI bug and tap reporters who might have received leaked classified information. Attorney General Ramsey Clark, partly on the advice of John Doar, later the chief counsel for the House Judiciary's impeachment inquiry, directed that federal poverty programs and neighborhood legal services, among other agencies, be used to help Justice obtain "the most comprehensive intelligence possible regarding organized or other purposeful stimulation of domestic dissension . . ."—what some critics later termed a modest forerunner of the Huston Plan. All of this is established public knowledge, available to any close reader of the press.

COLLECTING PILES OF SUCH evidence, Victor Lasky, once a fierce defender of Senator Joseph McCarthy, later a Rockefeller hatchet man out for Arthur Goldberg's scalp, and long a vitriolic enemy of the Kennedy brothers, has argued that "it didn't start with Watergate" and Nixon. This is an important thesis, warranting judicious judgment, careful documentation, and substantial research. Unfortunately, Lasky's book falls far short of these standards. There is little new information. Innuendo, unsubstantiated rumor, and poor judgment abound. His technique is to clip and paste, to shove material, whether proved or questionable, into careless chapters, sometimes without acknowledging borrowed prose. He ignores bothersome contrary evidence and misses important questions, while failing to establish an adequate framework. For him, the liberal establishment and the liberal press are the enemy. The result is spirited muckraking by a Nixon partisan, but little analysis of the imperial

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presidency and its relationship to the national security agencies.

Dedicated to defending Nixon, Lasky desperately wants to prove that Roosevelt, Kennedy, and Johnson were worse offenders; that they, however, received special protection from the liberal press; and that this press, not the actions of Nixon and his associates, sent Nixon back to San Clemente and sent his advisers to jail.

As Lasky recognizes, the strongest analogy to the Watergate cover-up is the Bobby Baker case. We know that J. Edgar Hoover hobbled a small part of the investigation, and that Johnson, suspecting a Robert Kennedy vendetta, ordered an FBI check of federal officials who did help. There was evidence, reported on the front page of the *New York Times,* that Johnson allies leaked secret documents to impugn a key witness, who had linked LBJ to Baker in influence-peddling. Yet, the Baker case, despite Lasky's hopes, is an imperfect analogy. The evidence of White House pressures on Senator John Williams, who wanted to pursue the LBJ links, is poorly documented. Apparently the Baker investigation never went far enough to require the president to direct a cover-up. He was protected by institutions and by fear. Probably too many on Capitol Hill had too much to lose. Even some at Justice, fearing LBJ's wrath, may have stayed away from dangerous areas. There was no Judge Sirica to pry out more information by serving as an additional prosecuting attorney and threatening Baker with a longer sentence. And certainly, after the assassination of JFK, Americans did not want evidence of his successor's criminal guilt.

It is true, as Lasky stresses, that the liberal press has often protected liberal presidents, but that alone does not explain why cover-ups were not unraveled. Lasky misses the larger pattern: Generally the press, whether liberal or conservative, prefers to protect presidents. Even Nixon,though condemned by many newspeople, by and large received this protection for about six months after the Watergate break-in. Journalists did not flock to pursue the case; White House reporters, themselves unaware captives of the presidential mystique, believed that Nixon was not covering up. In fact, it was two mavericks (Woodward and Bernstein), then obscure metropolitan reporters on one major paper, who kept the story alive and pushed it into the Oval Office. Probably their publisher's dislike of Nixon freed them from the normal constraints that had long protected presidents and that, at most newspapers, did protect Nixon until early 1973. Woodstein and Sirica helped keep the case alive and, thus, brought down the president.

LASKY'S ZEALOUS QUEST FOR conspiracy blinds him to the culture of the press—its fear of offending the powerful, of losing the public's respect. Publishers, editors, and reporters, as well as broadcast people, value good relations with the White House. They do not want to be barred from off-the-record briefings or from lustrous Georgetown parties. Above all, they do not want to appear irresponsible. That can cost money, even a job. Who will hire an irresponsible journalist, or advertise in the paper or on the TV or radio station that hires him? Fear and commitment thus deter the pursuit of stories that might threaten the legitimacy of government itself.

Roosevelt, Truman, Eisenhower, Kennedy, and Johnson, as well as Nixon in his first term, could count on such constraints. Even while hatred of the Vietnam War nibbled away at this code, the fears of social upheaval—ghetto riots and radical violence—protected presidents until about 1972, when McGovern's failure and Nixon's reelection confirmed that the nation was safe.

—to conceal from the electorate such private behavior of the powerful, to fill pages with evidence of their happy home lives.

In indicting the press and Nixon's liberal critics, Lasky is on weaker ground when he equates Dick Tuck's pranks with Segretti's fraud, or JFK's cutting off White House subscriptions to the *Herald Tribune* with Nixon's IRS "enemies list," or efforts to let Walter Jenkins resign quietly with the Watergate cover-up. Contrary to Lasky, Watergate was not "in the final analysis . . . largely a media event." Nor was the cover-up and obstruction of justice simply "a natural reaction rather than the heinous crime trumpeted by a largely liberal media."

Along the way, unfortunately, Lasky slides past too many issues. Why, for example, did the press pay so little attention when, just before the 1972 election, a handful of Democrats joined Republicans on Wright Patman's subcommittee to block an investigation of Watergate and laundered money? Why the Democratic defections to Nixon? Was that simply part of the bipartisan tacit agreement not to look too closely into election campaigns? Or did the Nixon White House, as the evidence suggests, buy some key votes with benefits to congressional districts?

Publishers, editors, and reporters do not want to be barred from briefings or lustrous Georgetown parties.

Lasky is correct, sometimes, that the press has used a double standard. JFK and Nixon were judged by different measures. Many newspeople embraced Camelot—the dashing president, his chic wife, his Rhodes scholars manning government posts. They let JFK lie about his past, create a phony war record, and cover up his long-run illness, as Joan and Clay Blair revealed in *The Search for JFK* (1976). Nixon's past, in contrast, was scrutinized fiercely by his enemies. When JFK talked privately of "getting even" with critics, his words went unreported; yet Nixon's similar words would be cited as evidence of his paranoia. And, of course, Lasky stresses that the press did not report JFK's scatalogical language and concealed his obsessive quest for women—including "Fiddle" and "Faddle," the two White House secretaries; Judith Campbell Exner, who was also dallying with a Mafia chief; probably Marilyn Monroe, and countless others. What Lasky ignores is that the same journalistic code protected Ike, whose private gutter language went unreported and whose wartime affair with Kay Summersby never appeared in the major press—just as journalists for the most part ignore the personal foibles of other of the Washington great. Such silence was essential to "responsible" journalism

Was Nixon guilty of obstruction of Justice? No, declares Lasky, who borrows Haldeman's unconvincing, but imaginative, interpretation of the June 23 tape ("the smoking gun" tape) to defend the president: The cover-up discussed on that tape was not obstruction of justice but rather an effort to protect the identity of donors who had made legal contributions to the GOP and had been promised anonymity. Unfortunately for Lasky, Haldeman has more recently asserted that Nixon "was the principal actor" in obstructing justice in the Watergate case.

LASKY'S IS A ZEALOUS QUEST TO establish that Nixon was the innocent victim of conspiracy: The CIA, he claims, may have been involved in the

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break-in, and it was anticipated by the Democrats, who wanted to use it to sink Nixon. Lasky's web of conspiracy was first spun out, more tentatively, in *At That Point in Time* (1975), by Fred Thompson, minority counsel on the Ervin Committee, who stressed some troubling discoveries: The Watergate burglars did not quit when their first tape was removed from the door but instead taped it again; James McCord, a former CIA agent, failed to remove the second tape but assured the others he had; a CIA agent entered McCord's home hours after his arrest and destroyed some documents; Helms had the CIA destroy agency tapes of conversations with Nixon, Haldeman, and Ehrlichman; Democratic National Committee Chairman Larry O'Brien was informed three months before the break-in that Watergate headquarters might be bugged by Nixon partisans; and another DNC official received similar information from a bugging expert. It is a tantalizing string of events and claims, enough to keep conspiracy buffs busy for years. Lasky, like Thompson, regrets that the Ervin Committee did not pursue these lines of inquiry; but Lasky neglects to mention that Senator Howard Baker, who had been so instrumental in suggesting the CIA theme, retreated in the later Church Committee report and ended by exempting the agency from involvement in the Watergate break-in.

Lasky, again like Thompson, correctly emphasizes the many weaknesses of the Ervin Committee probe: the constant trial by leak; the unwillingness of most senators to push the investigation beyond the Committee to Reelect the President, the White House, and Nixon; the Senate's original restriction of the inquiry to the 1972 campaign; and the failure of the committee minority's struggle to get the majority to examine the illegal donations to Humphrey's 1972 presidential campaign.

To determine the meaning of Watergate, the Senate and the Ervin Committee had an obligation to examine earlier abuses. That investigation was as unwelcome as a time bomb in the Capitol. It could injure many politicians and threaten the American system. Legitimacy in America depends upon a belief in law and order, upon faith that the behavior of officeholders is legally and morally correct. After all, what would have happened if during the Watergate investigation, in the midst of demystifying revelations of the ethics of the Nixon White House, Americans had also learned about earlier buggings, break-ins, and ballot frauds?

Such discoveries have poured out in the years since Watergate, and politicians have cited the revelations as evidence of the strength of the American system, of its capacity to investigate and reform itself. Most of what we know about the illegal and questionable behavior of administrations from Roosevelt to Johnson resulted from recent congressional inquiries, most notably by the Church Committee, and from the related opening of government archives. Because so much evidence has been destroyed and so many documents remain classified, we may never comfortably be able to answer the question: Were Nixon's "dirty tricks" worse than those of his predecessors? We can be sure, though, as William Safire, Tom Wicker, Noam Chomsky, Nicholas von Hoffman, and now Victor Lasky maintain, it didn't start with Watergate. ❏

***A GOVERNMENT AS GOOD AS ITS PEOPLE*, by Jimmy Carter. Simon and Schuster, 262 pp., $8.95.**

The art of demagoguery

EUGENE J. MCCARTHY

*SEVEN IS A MAGICAL AND MYS*tical number. There were the seven days of creation and, before television, the seven wonders of the world (the number is now unlimited), the seven fat years and the seven lean, seven sacraments and seven deadly sins, seven as the central number of dice, and so on.

Finally, seven was settled on as the accepted number of topics for demagoguery in American politics. Of the seven, three are the usual preserve of the Democrats, three are regularly exploited by the Republicans, and one is free territory. The seven are these: (1) welfare; (2) inefficiency in government; (3) ineptness and foreignness of the State Department; (4) big business, trusts, and monopoly (to be broken up); (5) unemployment and underemployment; (6) unfair and inequitable taxes; and (7) defense, either inadequate or wasteful, or both.

The first three are usually worked by the Republican Party and its candidate for the presidency. The fourth, fifth, and sixth are the established hunting grounds of the Democrats.

Neither party has established a clear and unchallenged claim to the seventh area. Usually the out party charges that the incumbent administration has left the country underdefended by a wasteful Defense Department. Thus Eisenhower, running in 1952, charged that the nation had not been ready for Korea. Kennedy, running against a Republican administration, charged that we had fallen behind the Russians in missile development and that there was a missile gap to be closed. Nixon, in turn, made similar charges when he ran against the Democrats in 1968, with emphasis not so much on lack of preparation as on improper use of existing weapons and military strength.

Then came the Carter campaign. Mr. Carter successfully exploited all seven traditional areas of demagoguery with fine impartiality, making standard Republican charges against Democrats in the primaries, and then standard Democratic charges against Republicans. Carter's book, *A Government as Good as Its People*, documents the exploitation.

*AS A CANDIDATE, CARTER AT*tacked what he called the welfare mess, deploring the reality of poverty and attributing great responsibility for its existence and continuation to the manner in which the welfare programs of the country were being administered.Thus, in one of the selections from the speeches and writings that make up this book, Carter says, "When deprivation results from a confused and bewildering welfare system, they [the economic elite] never do without food or clothing or a place to sleep." The president recently submitted a welfare reform plan similar to one proposed by President Nixon, with emphasis on providing jobs for those on welfare who are able to work. The Nixon program was labeled "Workfare, Not Welfare." No slogan has yet been proposed for the new program. The difficulty is, of course, not with the welfare program. The issue is not the "welfare mess," but the poverty mess. Providing jobs of a useful and satisfying nature for about a million persons on welfare is not likely to be achieved in an economy in which some 7 million persons are out of work.

Government reorganization was one of the repeated promises of the Carter campaign. He would reduce the number of governmental agencies and bureaus from whatever number there were (there is disagreement as to the number, perhaps 1600 or 1700) to 200, ready or not. Excerpts included in the book restate and affirm this promise. Reorganization powers similar to those of presidents Truman and Eisenhower have been given to President Carter. The current bureaucracy is largely the product of previous reorganization efforts. Yet the beat goes on.

The third standard Republican attack, on the State Department, included veiled suggestions that the department was un-American, at least as to striped pants or a mustache such as that worn by Dean Acheson. Carter intensified or improved upon that attack, depending on your point of view. Thus in Carter's book there is a quotation from a speech he gave in Louisville, Kentucky, in November of 1975: "When I go into an embassy in South America or Central America or Europe and see sitting as our ambassador, our representative there, a bloated, ignorant, rich major contributor to a presidential campaign who can't even speak the language of the country in which he serves, and who knows even

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less about our own country and our consciousness and our ideals and our motivation, it's an insult to me and to the people of America and to the people of that country."

Certainly it would be an insult if true. But a check on the 11 countries included in the trip on which Carter supposedly based these comments found that there was no ambassador who was bloated or ignorant, as Carter reported; that all but three of the 11 were career diplomats, rather than political appointees; and that of the three political appointees, two could speak the language of the country, and the third was learning it.

Our foreign policy, Carter continued in the same Louisville speech, "ought to be based on the fact that we are right and decent and honest and truthful and predictable and respectful; in other words, that our foreign policy itself accurately represents the character and the ideals of the American people."

Why not?

SO MUCH FOR TAKING OVER from the Republicans. Now to the traditional Democratic attacks. First, the one on big business, the trusts, and monopoly: "Grain speculators and monopolistic processors have profited while farmers are going broke trying to produce food that consumers are going broke trying to buy"; "the largest corporations pay the lowest tax rates, and some with very high profits pay no tax at all"; and "our federal energy policy . . . is designed by and for the major oil companies."

Next, unemployment. It is unacceptable, as is crime.

The income tax, determined principally by Democratic Congresses since 1960, is "a disgrace." Moreover, "gross tax inequities are being perpetuated." And, "carefully contrived loopholes let the total tax burden shift more and more toward the average wage earner."

Finally, defense, the up-for-grabs demagogic issue. Carter tells the American Legionnaires that "we must maintain adequate military strength compared to that of our potential adversaries. This relative strength can only be assured by a national commitment to necessary military expenditures [note the helpful suggestion that the commitment must be *national* and only to *necessary* expenditures] . . . by the elimination of waste, duplication among forces, excessive personnel costs, unnecessary new weapons systems, inefficient contracting procedures, and by a constant search for peace, so that armament levels over a period of time can be reduced among all nations." And a partridge in a pear tree.

Moreover, "we've got to be a nation blessed with a defense capability. . . ." And, as everyone knows, "narrowly focused fighting capabilities, the ability to fight if necessary, is the best way to avoid a chance for requirements to fight." And, "the only function of the military ought to be to be able to fight. And in that capability rests the assurance that we won't have to fight."

Kent State was part of "our national nightmare"—despite the fact that within months after the killings there, as a candidate for governor of Georgia, Mr. Carter said that he would send out the guard with live ammunition "to put down civil disobedience or campus unrest."

Strangely, this is not the demagoguery of America against which we were warned by Tocqueville nearly 150 years ago. It is not classical, detached, Machiavellian demagoguery. It is inherent, personal, almost natural.

The selections for the book tell much about the president's conception of what he is, and his conception of what the presidential office and the country are. *A Government as Good as Its People* comes close to being a case of decent overexposure.

WORKING IT OUT: 23 Women Writers, Artists, Scientists, and Scholars Talk About Their Lives and Work, edited by Sara Ruddick and Pamela Daniels, with a foreword by Adrienne Rich. Pantheon Books, 349 pp., $11.95.

Work and love

MEREDITH MARSH

INTELLECTUAL OR ARTISTIC work is one way of "making something of ourselves" and of our world; consequently, it demands intense, gratifying, but often painful self-confrontation. Men by no means find this a simple and happy process either, and they, too, will find much to identify with in these essays. To earn love and glory, men have been taught to pursue excellence at all costs, women to sacrifice it at all costs: This guarantees that all ambitious men and women will have conflicts to untangle. Right now, women probably find it easier to reflect upon their conflicts—and to publish their reflections—than do men.

Most of the contributors to this fine volume, now in their forties, began creating work and families before they recognized the contradictions. At first glance, this might seem to render their testimony irrelevant to younger women who, thanks to the movement, will have been more aware of them from the outset. But no matter how heightened her consciousness, every young woman will still have to resolve in her own way issues of affection and power—the "love and work" that Freud said characterize the healthy adult. And most of these essays will be as helpful to her as a warm conversation with a friend, for the writers are remarkably honest and insightful, sharing not only the choices they ultimately made but also the intimate process of choosing. One woman has always found celibacy the best environment for autonomy. A number are divorced. But many others would agree with Miriam Schapiro, the internationally exhibited painter, who in speaking of her loyal parents, husband, and son, says, "Without these people, I feel lost. I do not cultivate loss, I cultivate connections. Where there are connections—preferably connections of love—there is strength for work."

There are few polemics here. To be sure, these women have encountered obstacles outside their studios and studies, but it is the internalized obstacles that have usually proved hardest to surmount and that continue to interest and sometimes to frustrate them. Although they now address us in a well-earned mood of accomplishment, these are women still engaged in a difficult process of invention—of themselves, of their self-tailored roles, and the kind of society that could accommodate their reinvented selves.

Married for 20 years to a man she still loves and likes, mother of two, Celia Gilbert is also a wholly serious poet, and her beautifully composed autobiographical essay has all the profound condensation of a poem. Daughter of a highly admired, hard-driving journalist (unidentified in the essay), who dubbed her his intellectual heir, and of a self-abnegating mother who claimed to consider her domestic realm the true seat of power, Gilbert grew up confused. She married young, stopped writing, and shaped her family to emulate and please her mother, though her husband had made no such demands. "Today I might remember that time as a whisper—*You were utterly happy*," says Gilbert, but her journal reminds her that even then she wondered if her love for her first child "had become a way of extinguishing everything else." Nor was she able to turn any of that nurturing back upon herself: To feel worthy of the privacy and rest she needed in order to write again, she had to fall ill.

What she, like her mother, derived from this "covenant" of transference to offspring and husband was the magical sense that her sacrifices purchased their survival and that their survival guaranteed her own. For all its obvious frustrations, subordinating her needs to those of her family had been a paradoxical way of avoiding adult decisions of her own, thereby extending her "protected childhood with its simple faith in her [husband] as a powerful parent." The death of a child finally thrust Gilbert into the separation she had both dreaded and longed for, the sometimes chilly solitude of independence and creativity.

MEREDITH MARSH's first novel, I Had Wild Jack for a Lover, *was published earlier this year by Coward, McCann and Geoghegan.*

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GILBERT'S EXTRAORDINARY meditation on the "covenant" of familial connection and the anxiety of severance adds dimension to the restricted view of Adrienne Rich's introduction. "The whole question of what it means . . . to work as a lesbian might have occupied an entire essay in this book," she correctly notes. In fact, just such an essay from Rich herself would have been desirable, exploring in a more personal voice the problems and satisfactions that arise when an innovative woman turns to her own sex not only for nurture but also for erotic fulfillment. That would have been more illuminating than this too rhetorical piece, which emphasizes women's need for community but tends to reduce men to nothing more than a common enemy. Even a well-meaning male mentor can at most lend women the illusion of power, Rich suspects, "a power stolen, in any case, from the masses of women, over centuries, by men." But Gilbert and others, including editor Pamela Daniels, who pays grateful tribute to her own mentor, Erik Erikson, suggest more truthful metaphors than robbery for the bonds and trade-offs between men and women over the centuries. For a woman to believe that she made the best of a bargain that seems lopsided to both parties only in retrospect, is different from believing herself the victim of a knowing theft.

"It's important to understand that I wasn't angry *then*," says Marilyn Young of the years she devoted to family. She could also be speaking for those of our foremothers who might reject Rich's blunt indignation, which ignores the complicity of women in their own fate. "On the whole," Young says, "I was happy." A historian now teaching at an experimental college in Michigan, she explains, with the apperception of a novelist, the influence that politics had upon her life and that personal change had upon her political insight. "The value of C[onsciousness] R[aising] lies precisely in the way it reveals to us aspects of our accepted past and, retrospectively, withdraws that acceptance." For her, initially, marriage added a powerful identity. Moreover (as with Gilbert), marriage offered welcome respite from growing up; their life became her husband's responsibility, and whatever she might think of that now, at the time it seemed "a pleasure." Gradually, scholarship ebbed into the background.

Young's feelings about maturity and work had always been somewhat confused, guilty. Not only did she lack role-models, but to her Brooklyn working-class parents a job, when all was said and done, was a prison. While they encouraged their daughter to escape into a profession, they also taught her contempt for professionals, who had never endured the mind-breaking tedium of a job no more tailored to self-expression than a straitjacket. By contrast, reading a book in a snug library, at Vassar or Harvard, seemed pure indulgence: Did she deserve to call such satisfaction work?

Ironically, this mistrust of the pleasure inherent in creating often paralyzes especially those people who most fiercely need to feel productive. Straining to prove their seriousness, they squelch the sheer interest, the spontaneity—the play—that must be part of even the most laborious piece of original work. This is true not only of guilty escapees from the working class, but also of those who learned their standards of expertise from tense upper-middle-class fathers. Daniels, superficially in control of her life but actually still her father's too conscientious daughter, never allowed private life to hamper her academic career, not even, ironically, when she taught sections in "The Human Life Cycle" course with Erikson. Not until such dutifulness finally threatened to immobilize her could she begin slowly to accept the joy she found in intimacy with her child and herself, learning to play and to dream. As Rich points out, women often fear that if they do not enter the world of men on its own terms, they will be locked back into domestic servitude, yet the terms of men are often too constricting for any human being. "How can you deprofessionalize yourself?" asks Schapiro's husband nervously, every time she begins the happy mess-making that will seed her finished paintings. Faced with such rigid standards, no wonder many women chose the seeming freedom of life at home. And no wonder many men envied them. Indeed, that envy has often corroded the compassion of husbands for the anguish of wives who can apparently escape the harsher demands of the reality principle.

EVELYN FOX KELLER'S YOUTHful visions of affection and preeminence crashed against the harsh rituals of professionalization when she entered Harvard as a graduate student in physics. Now a biologist and mathematician at SUNY (Purchase), Keller had been lovingly pampered by her undergraduate teachers at Brandeis (since women could not go to Cal Tech, an "influential friend" promised that the man she wanted to study with there would come to MIT). Even more than most girls, she confused sexual approval and intellectual approval from male authorities—who were, no doubt, confused themselves, since she is attractive. Thus even now, it is hard for both writer and reader to factor out which of her pains were endemic to that apprenticeship at Harvard—a brutalizing forced-feeding of competitiveness and arrogance—and which were unique to her sex, though certainly her sex made her bewilderment all the more conspicuous and humiliating.

In a very different voice, Virginia Valian, a psychologist teaching at the CUNY graduate center, offers a tightly focused, penetrating analysis of her therapy for "writer's block." Borrowing from Masters and Johnson, she approached intimacy with her work one step at a time, at first in a daily five-minute rendezvous. Though the subject of this case-study is herself, the "block" could be anyone's: Here are all our double-binds, from the fantasy of future success that renders the present too drab to tolerate, to the fear that independence means isolation. When she says, "Winning meant killing, losing meant being killed," Valian acknowledges the role that her own ambitions and aggressions played in her insecurity. Every woman fears that in daring to be powerful, she will become unlovable. Every act of assertion, even a written argument, is implicitly a disagreement, and since Valian worried that in disagreeing she risked becoming *disagreeable*, she found it comforting to work beside the man she lives with; his presence was a tacit reassurance.

Pamela Daniels, who is now a research associate in women's studies at Wellesley, was scarcely alone in finding it hard to take responsibility for her own satisfaction, to give up the security of fixed assignments and approval. Most of us, women and men, find it hard even to distinguish the tricks we do to please authority—external or internalized—from the work we do to please ourselves. After all, if we become our own teachers, parents, judges, who will be left to give us gold stars? Truly original work of the kind these women are aiming for requires a brave detachment from—though not always destruction of—the intricate nets of familial bonding and social authority that enable most people to feel supported by something vaster and more dependable than themselves. For all their salaried busyness, most men never let go of these safety nets either, not even the legions of men who feel trapped and falsified by them. Autonomy is lonely. But, so is dependence. ❏

On necessary secrets

MILLICENT DILLON

I CAME TO WRITING LATE. WRITing in middle age, I carry with me the sensibility of an earlier time, a time in which I lived so much of my adult life, not as a writer.

In particular, I think how that earlier sensibility, which I share with others of my generation, cries out at the loss of distinction between our public and our private worlds. It comes to me as a double loss, the loss I share with all those others and the loss I feel as a writer.

Fiction has always functioned best when

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dealing with the byplay between the public and the private, assuming a barrier between them, understood if not defined. With the vanishing of that edge, that wall between our public and our private worlds, fiction has come into a state of decay and is mistrusted.

Think of the writer, working in solitude, transmuting private thoughts, fears, desires and terrors, giving them shape and solidity. Published, the work is thrust into that outside public world. Yet once again, when read, it is received as an intimate offering by the reader. The work—or rather, its reverberations—descends into the private world of the reader. There things will move if the writer has shaped that fiction honestly.

But what has the writer shaped that fiction out of if not memory (and forgetting), the most private of all experiences?

> And still it is not yet enough to have memories. One must be able to forget them when they are many and one must have the great patience to wait until they come again. For it is not yet the memories themselves. Not till they have turned to blood within us, to glance and gesture, nameless and no longer to be distinguished from ourselves.

Only then, Rilke said, is it possible to write. He was speaking of verse, but it should be said, as well, of fiction.

But memory (and forgetting) flourish only in privacy, need darkness and its hiding places to be transmuted, to turn to "blood within us, to glance and gesture." What happens to memory and what happens to forgetting in a world where public and private experience begin to lose their distinction, where the edge shifts relentlessly, where the private is always being forced out into the public? In a world where, for example, encounter groups have become a mode of social functioning, where a television program has been made of a private life of a family? (The camera was there to record because we wanted to know. Of course we always wanted to know, but we have been held back from knowing. The prototypical desire for knowing, the knowing of others' sexual experience, direct and untrammeled if possible, is the one we seek to satisfy first.)

IF MY EXAMPLES SEEM TRIVIAL, think instead of your own. Middle-aged, old or young (why should the young not feel this too, in their own way?), you will recognize what I mean by its effects. An incident . . . a conversation . . . a movie . . . the sensation comes quickly. It hinges upon a sense of being startled, a sense of affront to one's sense of "place." In its wake, so fast as to be almost simultaneous, comes self-reproach at being so unreceptive, or instead a hesitant justification for idiosyncrasy. Or for some, to whom these things are not trivial, comes rage attendant on the loss of "place" (causing further rage), followed by an aribitrary construction of barriers between the self and "out there," as if setting mines in a no-man's land. So with rage even more is lost, both of the public and the private.

That the incident, the conversation, the movie is felt as a threat, but yet that it is dismissed as trivial, is for most its main effect. And then indeed something shifts within us: that public-private edge. That shifting is part of our felt life. And we, whose job it is to record the felt life of our time, we too are molded by it. All writers, idiosyncratic or not, are shaped by their time.

In 1912, writing in *Howard's End,* E. M. Forster said,

> But in public life who shall express the unseen adequately? It is private life that holds out the mirror to infinity; personal intercourse and that alone, that ever hints at a personality beyond our daily vision.

Forster knew that what he meant by public and private would be immediately understood and felt by his reader. But that was 1912 in England. Forster was writing in the time just following James and Conrad: Conrad whose *Heart of Darkness* and *The Secret Agent* were metaphors for the secret, the undisclosable, in all men; and James, who worked at the knife-edge of the public-private worlds, constraining his characters from letting the private explode into the public. That containment is one of the major delights of James's work, the holding back in the face of what would force disclosure. Reading his novels, we delight in the nonresolution of that tension.

But memory (and forgetting) flourish only in privacy, need darkness and its hiding places to be transmuted to "blood within us, to glance and gesture."

But if any American writer working now tried to write of that same kind of tension, he'd know, as he wrote, of its present falsity. In this world where everything is to be revealed more and yet more, his work would be an anachronism. He would know, of course, that we do not share with each other the morals and manners of a structured world. And since we have lost our common ground in public experience, we search for our common experience in the depths of each other's private lives.

Hannah Arendt, writing in *The Human Condition,* said,

> The most elementary meaning of the two realms (public and private) indicates that there are things that need to be hidden and others that need to be displayed publicly if they are to exist at all. . . . A life spent entirely in public, in the presence of others, becomes, as we would say, shallow. While it retains its visibility, it loses the quality of rising into sight from some darker ground which must remain hidden if it is not to lose its depth in a very real, non-subjective sense.

Hannah Arendt wrote that in 1958. The encroachment on the private now goes ever faster. How easy it is to reveal. All do it and all are expected to reveal. And what we don't reveal, we are at least half-convinced we do not reveal out of fear, out of leftover inhibition, out of lack of freedom. So pouring out words, we rush toward a sensibility of muteness, with inner and outer, private and public, equally strange, and memory only the faintest echo.

*CONSIDER THE MOST MONU-*mental works of literature of the past—by Cervantes, Shakespeare, Melville, Dostoevsky, Kafka—and how those writers revealed their own experience, but transmuted by their genius to disclose mysteries beyond what they revealed. Think of the essential mystery of the characters they created, of their hoarded secrets that can never be explained (Dmitri Karamazov and what hung about his neck). In disclosing, those writers knew what risk was and what struggle was.

But we have lost the sense of necessary secrets. We no longer know what it is we venture in disclosing, if there is nothing that cannot be disclosed. And if there is no risk for us, where is the gain?

Some of us then, when we write, work with unnatural secrecy, in deliberate deviousness, evading the essential mysteries, character, fate, if you will, in the pursuit of obscurity.

Some of us embrace the confessional, go even further than our world impels us to, mocking ourselves and our own mystery as we disclose.

Some of us refuse to write of anything but external acts, denying, we say for form's sake, an inner world entirely.

We all of us try one way, then another, knowing surely that we cheat a little, not willing to admit the poverty of our condition. Like Watergate conspirators we plot unnecessary things poorly, but we half hope we will be caught, reveling in the disclosure of ourselves and our means as another triumph.

And the reader? He feels, I suspect, a sense of dissatisfaction, his curiosity forced, then glutted. He feels the rendering of the public as contrived and the rendering of the private as trivial or overdone. In the end he does not care for our fictions.

Surely it is no coincidence that at the moment when the private is becoming lost to us, the secret, the ugly unnecessary secret, has grasped hold in the public realm. We see and are immersed in a double annihilation.

In fiction in its most subtle and lasting form—as in *Anna Karenina* or *Passage to India*—the public and private came into a strange and intense relationship with each other, where the one became the continuous and active metaphor for the other. With the simultaneous decay of the public and the private, we now only experience equivalency. We have altered the meaning of metaphor. ❑

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A Day to Remember

I'm standing at Lakeside Drive with the bike.
It is dusk. I didn't think anybody would care
if I'm lonely, a bicycle in traffic, young
and hence guilty, some kind of oddity nobody
would have. And here came this wind. Sometimes
even snow is *for* you somehow, and this was.
I belonged. It was 1935, the day
I became saved and a citizen of the world.

Remote But There

Mornings a shaft of light pauses to read
a stone beside a mountain path high
beyond the snow. I left it there one day,
climbing alone—for one who once was with me.

Dismissed after a glance, ignored by the dawn wind,
that shelter for my thought is my abiding friend:
no one now can find it, and only the sun reads
those erased years and the name I know.

Berryman

If you are no one's copy, if you set
the counter for zero, if you press the button,
if roomfuls of people turn and watch
the nothing, if they applaud, if you do it
again but it is nothing and you know it, if
one morning crossing a bridge in winter you stop
at the center and examine the long gray river
and it's from nowhere to nowhere, if the railing
is low—you set the counter for zero, you
press the button and go.

Free-Form Inwroughts

1.
Branched in the ground, roots run
as far as the tree limbs in the air, I learned
when fire went down and it burned
there for days. For days I felt
the flame deep in the earth, and a glow
of summer there, a sun going down
to be lost. Deep fire, now I tend
what is not a show, flame delving
in quiet where the true branches go.

2.
Open, you have in the cold some
way to be warm, to live by
receiving rain and replying, "Here!"
How confused those times before,
to shut out; how organized and thus
lost. But now danced by random
rain in a world all part of itself,
you accept fringes, whatever comes along—
you respond and it's always time.

3.
Under a hood, quiet where fire
burns on, someone's eyes look down.
Inside that head—certain stars
too quiet to tell. They burn while the years
descend. Turned forward and held, they lift.
And a figure rises, given
from earth, and is gone some day. What is
left falls down. Other places have it then,
other worlds, other stars, other days.

WILLIAM STAFFORD

WILLIAM STAFFORD lives in Oregon and teaches at Lewis and Clark College. Among his books of poetry are Allegiances *and* Traveling through the Dark.

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FILM

New York Film Festival I

STEPHEN HARVEY

AFTER A NEW YORK SUMMER punctuated by a subtropical heat wave, a blackout, and the last throes of Abe Beame, it was reassuring to note autumn's arrival, bringing with it a semblance of urban calm, in general, and the New York Film Festival, in particular. Now in its 15th year, the festival, like all entrenched cultural institutions, continues to engender a predictable balance of reverence and derision in the cognoscenti, due in no small part to a programming policy as eclectic as its audiences. Each year the Festival Committee manages to concoct a ragout of offerings ranging from the latest efforts of the canonized European masters to urgent manifestos from the Third World, exuberant debuts from tomorrow's household names (if your household is within shouting distance of the Bleecker Street Cinema), and flossy forays into the obscure that even a director's agent couldn't love—plus the occasional masterwork that makes the whole enterprise worthwhile. Everything else in New York may be in a state of flux, but the festival and the controversy it provokes are, it seems, eternal.

By the halfway mark, about October 3, the festival ran pretty much true to pattern—a few revelations, the usual sprinkling of cataclysms, and a predictably high number of films whose ambitions far exceeded their grasp.

The opening event this year was the American premiere of Agnès Varda's ***One Sings, the Other Doesn't,*** an eminently logical choice considering the festival's early and enduring allegiance to the French New Wave and Varda's preeminence as one of the few women film-makers to emerge from that movement. I have long felt a warm regard for Varda's work; her first feature, *Cleo From 5 to 7*, remains among the most vital and elegantly made films to come out of Europe in the early sixties, as well as one of the handful of profoundly feminist films that any era has produced. Varda achieved this in 1962 without resorting to facile cant of any sort, perhaps because such an idiom hardly existed at the time. Her newest film explores the feminist theme even more explicitly, but unfortunately with greatly diminished returns this time around.

One Sings, the Other Doesn't traces the 15-year journey to self-awareness of two rather disparate women: a volatile and self-possessed extrovert named Pomme, who becomes a street performer of feminist songs; and Suzanne, a softer, more contemplative sort trapped early into motherhood before finding fulfillment as supervisor of a women's health clinic. As the film progresses, their friendship deepens despite long separations, divergent lifestyles and sensibilities, and their waxing and waning romantic entanglements. It's certainly a promising notion for a film, and as usual Varda has mustered her considerable cinematic resources to try to bring it off. Each image shows an unerring eye for color and composition, each sequence has its own precise and lilting cadence. The performances given by Valérie Mairesse (Pomme) and Thérèse Liotard (Suzanne) are both luminous and intelligent; chosen for physical as well as psychological contrast (one is earthy and redheaded, the other a willowy brunette), each is endowed with remarkable screen presence. Varda's liveliness and goodwill are practically irresistible, and that's part of the problem. Like Truffaut at his most tenuous, Varda is too intent on disarming us with sweetness and charm, and the result is a kind of overkill. For all their cute little idiosyncrasies, Pomme and Suzanne haven't an alienating trait between them, unless you count their incessant high-mindedness. Through the decade and a half spanned by the film, their rapport isn't clouded by a single moment of human boredom or egotism or pettiness. Their men are misguided, of course, but adoring and dear; as a mother, Suzanne is an unvarying portrait of loving solicitude, while her children are eternally cheerful and precocious. It's enough to make a cynic out of Pollyanna.

LEST WE NOT QUITE GET THE message, Varda punctuates this idyll from time to time with her own voice-over narration, which is as redundant as it is platitudinous. Both Varda and her heroines talk a great deal about solidarity and the communality of women's experience, but the viewpoint is more than a little contradictory. Pomme hectors the heathen with her musical broadsides while Suzanne from on high dispenses pills and sage advice to her haggard working-class patients; clearly they both want to belong to Varda's "family of women" just as long as they both get to be the Mommy.

Every political movement needs its exhortatory fables, but it's all too easy to be seduced into swallowing clichés one would ordinarily reject, just because the Right Things are being said at long last. With the best intentions in the world, Varda has made a film that really patronizes both her subject and her audience.

Padre Padrone, this year's Grand Prize-winner at Cannes, is another saga of self-realization, yet while its directors, the brothers Paolo and Vittorio Taviani, aren't nearly as technically accomplished as Agnès Varda, the result is far more persuasive. By all rights, the subject of a Sardinian peasant's struggle against his father's brutal dominion should have been the cue for yet another tired retreat into neo-realism, but the Tavianis completely elude this trap. Instead, they have infused *Padre Padrone* with all the surreal logic and mingled wit and cruelty of a folk legend translated into cinematic terms. It conveys a world in which capricious forces animate humans, animals, and the elements alike—recalcitrant goats talk back to their uppity masters, a wandering musician squeezes his accordion and a thousand-stringed Viennese waltz engulfs the soundtrack. Rarely, in fact, has sound been used so creatively to underscore and amplify what the camera shows. The Tavianis occasionally juxtapose sights and sounds that seemingly have no relation to each other (a tank rumbles by during the hero's basic training, accompanied by his voice learning to conjugate Latin verbs), the synthesis of which raises both to a different level of meaning entirely.

As in all folklore, the particular serves to illustrate a general truth—the "father-master" in question is just an especially potent tool of the system of taboo and tradition that subjugates an entire culture. Yet the directors are too intelligent to reduce this conflict to the simple equation of primitive ignorance versus civilized enlightenment. Father batters and tyrannizes son, but he is capable of affection and insight as well, and much of what he has to teach is invaluable. (In the film's most haunting sequence, he instructs the boy to listen for the almost inaudible noises of the surrounding landscape. Suddenly a giant tree is illuminated, and the rustling of the leaves builds to a deafening roar.) This grim, magical heritage is too deeply ingrained for the hero to reject in toto; his painful self-education really serves to help him understand the forces that have created him. *Padre Padrone* leaves certain things unanswered—it's strangely reticent about sex, for one thing, at least after the hero's fateful childhood encounter with an obliging ewe. Nevertheless *Padre Padrone* radiates vigor and originality. Its reception in New York, one hopes, will make it possible for the Tavianis' earlier work to be shown here as well.

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IN UTTER CONTRAST TO THE LIFE-affirming vitality of *Padre Padrone* is Marguerite Duras's newest foray into existential ennui, this time entitled ***The Truck.*** Although best known here as the screenwriter of *Hiroshima Mon Amour,* for the last decade Duras has directed her own material, producing the likes of *Nathalie Granger* and *India Song*—works that have so rigorously alienated even the most adventurous of audiences that they have entirely disappeared from view after their respective festival premieres. The festival's program notes make the claim that *The Truck* is the most "accessible" of Duras's work thus far, which may be true except that the point is so relative as to be meaningless. *The Truck* consists of Duras herself hunched behind a table and reading a script to Gérard Depardieu, the burly, sensitive actor featured in *Going Places, 1900,* and Duras's own *Nathalie Granger.* This scenario deals vaguely with a rootless middle-aged woman (an amalgam of Duras herself and the heroines of her past films) who hitches a ride from the brusque driver of a massive highway rig. Of course, she neither knows nor cares where she's going; she may or may not be an escaped inmate of a sanitarium. (Marienbad, perhaps?) "My head is full of wind," asserts the heroine, a fact which hasn't prevented her from pondering such minor nifties as "the end of the world, death, the loneliness on this earth." "Let the world go to its ruin," she concludes, "it's the only solution." Duras finishes her script; fade to black.

It would be unfair to ignore *The Truck's* wayward compensation. A gnomish mandarin wryly savoring her own words, Duras herself is arresting to watch, and the scenario is punctuated by blue-tinged shots of a truck passing through sterile roadside cityscapes which have their own melancholy beauty. Yet the experience seems too pointlessly enervating for any of it to matter. Theoretically, of course, there's no reason in the world why Duras should have to distort her vision of things to conform to conventional notions of plot and characterization; if people can accept Beckett or even Robert Wilson on stage, they ought to be able to tolerate Duras on screen. The problem is that most of Duras's conceits are pretty self-evident, even when they haven't been exhausted from overuse. As with the antinovel in literature, the structure of *The Truck* is its substance, belaboring the point that this is an artifact, not "reality" that we are watching. Well, fine—so what? As far as philosophical content is concerned, Duras has blearily intoned her nihilism from the screen since 1959, and even the most serious film-goers can hardly be blamed if they find her obsession with "the noblesse of banality" awfully precious and ponderous in 1977.

WHILE THE FESTIVAL HAS always favored new works from abroad, American films haven't been entirely neglected. By far the most impressive thus far has been ***Short Eyes,*** the screen adaptation of Miguel Pinero's vivid play of prison life produced in New York by Joseph Papp a few seasons ago. Both film and play provide an insider's view light-years removed from the likes of *Angels With Dirty Faces* or *20,000 Years in Sing Sing,* as well they should; Pinero himself is an ex-offender who discovered writing while serving time for armed robbery. Presented without a trace of self-pity or idle pleading, Pinero's prison is a more brutal microcosm of the straight world outside, governed by hierarchies and codes of honor as rigid as any found in polite society. The title is prison jargon for child molesters, the only transgressors whom prisoners and guards alike hold beneath contempt. The arrival of one such, an archetypally pale-faced weaselly WASP (brilliantly played by Bruce Davison) disrupts the brittle social order, culminating in a cathartic burst of violence.

Entirely filmed inside the old Manhattan Men's House of Detention (more appropriately known as The Tombs), *Short Eyes* avoids that arid staginess that afflicts so many filmed plays. Thanks to an extremely fluid job of direction by Robert M. Young, the film is psychologically claustrophobic yet cinematically mobile, which is exactly as it should be. Its theatrical origins are still apparent in the structure of the screenplay, with its bald expository monologues, curtain-line revelations, and the like, but having chosen to make such a close transcription of the play, I don't see how Young and Pinero could have done the job much better. The largely black and Puerto Rican cast does uniformly compelling work, with particular praise due to Jose Perez in the tricky role of the cellblock's saintly resident oracle. For those who worry about such things, it should be pointed out that the film doesn't flinch from the violence inherent in the material, but never sensationalizes it, either.

No festival would be complete without the annual sexual shocker to titillate the assembled sophisticates. Last year there was *In the Realm of the Senses;* before that, *Last Tango in Paris.* But with ***Salò or the 120 Days of Sodom***, the Festival Committee may finally have gotten more than it bargained for. The last film completed by Pier Paolo Pasolini before his murder in Rome two years ago, *Salò* is probably the most repugnant film I have ever seen—a kind of triumph, actually, as I'm sure revulsion is precisely what Pasolini intended.

Based on de Sade, this was the last of four raids Pasolini made on the canon of erotic literature (loosely defined) for inspiration, having previously tackled Chaucer, Boccaccio, and the Arabian Nights. The milieu transposed to the last fascist stronghold in northern Italy during the war, *Salò* focuses with clinical relish on a prison-bordello in which a select culling of naive but nubile adolescents are trained to service the depraved whims of the remnants of the fascist ruling class. The film is divided into three sections of escalating horror: the Pre-Inferno, in which the victims are rounded up and the festivities commence, followed by the Circle of Shit and the Circle of Blood, which are more or less self-explanatory. The ugliness and brutality of Pasolini's vision are unrelenting, extending even to the bleached-out, muzzy color in which the film was photographed. It is constantly stressed that the degraded innocents are revolted by their grisly duties (which of course is part of the kick for their tormentors), and that the only release is death. Even the debauchers aren't really content, because they can never quite be satiated. The effect is deliberately antierotic—the only acts explicitly revealed (extreme sadism, coprophilia, etc.) are those which are calculated to revolt all but the most stoic of audiences.

Pasolini's real purpose seems to have been to use the nether reaches of sex as a proto-Marxist metaphor for political oppression, a ploy that has become more transparent and fraudulent each time it has been used. The Nazi as sexual oppressor has served as an underground masturbatory fantasy for decades, and from *The Damned* through *Seven Beauties, The Night Porter, Madam Kitty* and all the rest, Death-is-a-Cabaret has emerged to become the most threadbare cliché in the Italian cinema. The main impression you get from these movies is that the Nazis would probably have won the war if only they had stopped stroking their debauched libidos. As cautionary tales, all these movies fly in the face of some obvious truths—namely, that the rich and reactionary hardly have a monopoly on perversion, and that from Peking to Dade County, totalitarianism is much more likely to cast in its wake repression of human sexuality, rather than toleration of everything down to free-wheeling decadence. Most of the time what is really being exposed is the sexual *idée fixe* of the filmmaker—presenting it in the context of Nazism makes it hypocritically palatable because everyone knows that Those Beasts were capable of Anything. (It's interesting that the worst obscenity of fascism, namely the death camps, has gotten much shorter shrift in the movies—too banal and obvious to bother with, no doubt.)

True to form, *Salò* reveals not so much the nihilism of a depraved society, as the viper's tangle of Pasolini's own sexual conundrums. Obviously fascinated and repelled by de Sade's precepts at the same time, Pasolini made the ultimate puritanical movie; by extension, all sex is disgusting, with death the logical recompense. The grimmest irony of all is the fact that this sinister treatise on terminal sex foretold Pasolini's own demise during a furtive sexual encounter just after *Salò* was completed. There's a certain macabre symmetry at work here—where else could his vision have taken him after *Salò?* Perhaps Pasolini meant this film to serve as a kind of personal catharsis, but its effect on the audience is anything but liberating—a queasy numbness is more like it.

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LAST LAUGH

ART HOPPE

Black like who?

UNDOUBTEDLY THE GRAVEST problem our local, state and federal governments face today in the area of race relations is attempting to determine in any given situation the race of the citizen with whom they are having relations.

From Brooklyn, where parents with names like Rifkin and Gehm are claiming to be Puerto Ricans and such in order to enroll their children in their neighborhood schools, to San Francisco, where 53 policemen seeking preference in promotion suddenly discovered they were American Indians, racial discrimination is simply not what it used to be.

Across the land, otherwise honest Americans are yielding to temptation in their drive for success. They are denying their rich racial and cultural heritages in an understandable effort to break through the invisible color barrier—to "pass," as it were, for something they are not.

Typical, perhaps, is the case of little Andy (name withheld), who grew up in Georgia, deep in the heart of the South. The son of a poor but proud family of Norwegian descent, Andy was cursed from birth with blue eyes, blond hair and a fair complexion. By the time he had graduated from high school, he saw that the future held little affirmative action for a member of his race. A plucky lad, Andy saved every penny he earned from the menial jobs that were open to him. Instead of frittering away his money on marijuana, rock records and "groovy threads," as did his fellow Caucasian playmates, he purchased an Afro wig, brown contact lenses and a bottle of Man Tan. His parents were shocked by his transmogrification. "Why can't you be proud of what you are, Andy, and learn to live among your own kind?" demanded his father, Sven, a janitor. Andy, however, was adamant. "You don't undersand, father," he said firmly. "I want to make something of myself. I want to be somebody." Thanks to his foresight, he was acted upon affirmatively and in swift succession won a scholarship to college, a seat in Congress and the friendship of a president. Today, he is the handsome, influential United States ambassador to the most prestigious of international organizations (name withheld), a living symbol to the world of America's new-found tolerance and a credit to the ingenuity of his race.

IT IS THIS INGENUITY THAT IS causing our governmental bodies so many headaches. To establish a citizen's race, most generally rely on the doctrine of "visual inspection" first promulgated by the Federal Equal Employment Opportunity Commission. In this age of enlightenment, it is not only considered impolite, but it is considered against the law in many states to ask a job applicant, "Hey, there, are you black or white?" The FEEOC, therefore, instructs employers not to be so crude as to employ "direct inquiry" in order to determine a job applicant's "race/ethnic identification," but to rely on "visual surveys" instead. To assist employers in this interesting task, the commission neatly divides all of mankind into five categories:

(1) "*White* (Not of Hispanic origin)—All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent."

(2) "*Black* (Not of Hispanic origin)—All persons having origins in any of the black racial groups."

(3) "*Hispanic*—All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race."

(4) "*Asian or Pacific Islanders*—All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa."

(5) "*American Indian or Alaskan Native*—All persons having origins in any of the original peoples of North America."

Well and good. These official categorizations seem concise and foolproof, yet they afford a plethora of opportunities for cheating to those unscrupulous swindlers who would take advantage of racial discrimination. What, let us ask ourselves, is to prevent a black-skinned Dravidian from India or a dark-skinned Yemenite from the Arabian Peninsula, who are both, of course, (1) White, from passing as (2) Black? Could not the black-skinned Samoan, who is anthropologically a Caucasian, deny his (4) Pacific Islander heritage to do the (2) same. And what of, lo, the poor Mexican Indian? Is he a Mexican and therefore a (3) Hispanic? Or, if the dictates of affirmative action so require, is he not a person having origins in any of the original peoples of North America and therefore a (5) American Indian? Nor is there any need for the dishonest exploiter of such loopholes to commit perjury. Under the doctrine of visual inspection, all the black-skinned Cuban who is legally a (3) Hispanic requires to cross the color line and pose as a (2) Black is to look Black, an underhanded stratagem that all too many black-skinned persons blatantly employ. Conversely, should an employer's quota require one more (3) Hispanic, the street-wise ghetto (2) Black needs only show up for the job interview wearing a basket of fruit on his head, rattling a pair of maracas, and singing, "I left my heart in Santo Domingo, sí, sí, sí."

This brings us to the plight of the good-hearted soul who yearns, above all else, to be an equal opportunity employer. Not only must he contend with dishonest job applicants who pose as something they are not, but under the rules of the game he is prohibited from asking them what they are posing as. Thus he must be able to distinguish, with one eye closed, a (3) Spanish grandee from a (1) Italian count or a (2) African bushman from a (4) Papuan bushman. That this magnificent challenge has been met and surmounted attests to the indomitable spirit and technological know-how of American industry.

THE BREAKTHROUGH WAS scored by Hiram MacBean of The MacBean Tool & Die Company. MacBean carefully studied the racial/ethnic composition of his community and determined that his labor force, to be properly balanced, should consist of 48.9 percent White, 22.3 percent Black, 18.6 percent Hispanic, 9.8 percent Asian or Pacific Islander, and 0.4 percent American Indian or Alaskan Native. As MacBean's entire labor force consisted of 12 persons, he appeared faced with what weaker individuals would consider an insoluble dilemma. MacBean, however, merely hired his 11 closest cousins, all of Scottish extraction, and a superb metal punch operator named Solomon Gerschfeld.

"That's funny," said the inspector, "he doesn't look Chippewa to me."

In no time, an inspector from the Federal Equal Employment Opportunity Commission was beating on his door. "You'd better surrender quietly, MacBean," said the inspector grimly, as he visually inspected the 12 employees. "You haven't even come close."

"To the contrary," replied MacBean with dignity, "as it so happens, I am right on the button." And he calmly visually identified this cousin as 47.3 percent Bantu and that cousin as 39.2 percent Guamanian and so forth. The denouement came when the two visual surveyors reached Solomon Gerschfeld.

"And what's that one supposed to be?" whispered the inspector suspiciously.

MacBean wiped his eyeglasses, consulted his pocket calculator and announced that

ART HOPPE is a syndicated humor columnist. His most recent book is The Tiddling Tennis Theorem, *published by the Viking Press.*

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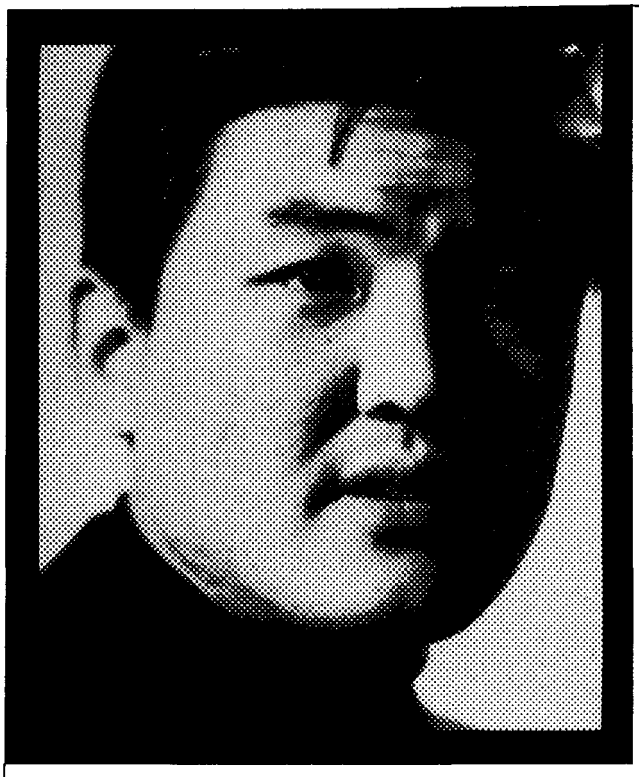

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Solomon Gerschfeld was 0.48 percent Chippewa and 99.52 percent pure Paraguayan.

"That's funny," said the inspector, "he doesn't look Chippewa to me."

MacBean glared coldly at the inspector, shrugged and asked the perceptive question that has thrown the government's entire, multi-million-dollar affirmative action program into total disarray. "What," inquired MacBean, "does a Chippewa look like?"

With an instinct for the jugular, MacBean had gone to the heart of the matter. The heart of the matter—unbelievable though it may be to any knowledgeable American—is that the United States government to this day has produced not a single, solitary federal guideline whatsoever to aid in visually determining the racial or ethnic composition of its citizens. Nowhere in the volumes of rules and regulations is there a hint that Blacks should have broader noses, play basketball and/or tap dance, or that Asians should possess black hair, perseverance and/or stoically inscrutable demeanors. Without such guidelines who is to decide who is what?

The consequences of this monumental oversight cannot be exaggerated. It means that every employee is whatever his employer visually determines him to be and that every citizen is unchallengeably whatever he says he is. It means that freckle-faced Puerto Ricans will be playing in our schoolyards with round-eyed Japanese. It means that thin-lipped Bantus will be getting the scholarships and pale-faced Redskins the jobs. It means that this country, as our forefathers had prayed, will finally have become The Great Melting Pot wherein the color of a man's skin or the shape of his features will matter not a whit in his climb up the ladder of success. It means that after years of heartache and striving we will have achieved at long last The Great American Dream.

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